

population of not less than twenty thousand (20,000) nor more than thirty-two thousand, five hundred (32,500), according to the last preceding Federal Census, and containing a valuation of Seventy-five Million (\$75,000,000.00) Dollars or more; providing for the vesting of the general management, supervision, and control of the public schools and educational interests of such counties in the county board of school trustees and constituting such trustees as the Board of Trustees for such county-wide equalization districts; making provision for the levying of an equalization tax of not to exceed Twenty-five (25) Cents on One Hundred (\$100.00) Dollars valuation on property situated within the county; providing for the holding of an election in each such county on the question of levying such equalization tax and providing for the assessment and collection of such taxes by the County Tax Collector, prescribing his duties and compensation; making provision to constitute the County Superintendent as Treasurer of the county-wide equalization district and prescribing his duties, designating the county depository as the depository for such district; prescribing the duties of the County Board of Trustees with respect to such tax and funds derived therefrom; providing that the Act shall not have the effect of changing any duties or powers imposed upon the Trustees of any common or independent school districts except as expressly provided in the Act; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 109, Suspending Section 21 of the Joint Rules in order to consider House Bills Nos. 581, 58, 547, and 144 on Thursday, April 29, 1937.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 107, Suspending Section 21 of the Joint Rules to consider certain bills on Wednesday, April 28, 1937.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

## SIXTY-SECOND DAY

(Thursday, April 29, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Farmer
Adkins	Felty
Alexander	Fielden
Alsup	Fox
Amos	Fuchs
Baker	Gibson
Bates	Graves
Beckworth	Hamilton
Bell	Hankamer
Blankenship	Hanna
Boethel	Harbin
Bond	Hardin
Boyer	Harper
Bradbury	Harrell
Bradford	Harris of Archer
Bridgers	Harris of Dallas
Broadfoot	Harris of Dickens
Brown	Hartzog
Burton	Heflin
Cagle	Herzik
Callan	Holland
Carssow	Hoskins
Cathey	Howard
Cauthorn	Huddleston
Celaya	Hull
Cleveland	Hyder
Colquitt	Jackson
Davis of Haskell	James
Davis of Jasper	Johnson of Ellis
Davison of Fisher	Johnson
Davisson	of Tarrant
of Eastland	Jones of Angelina
Dean	Jones of Atascosa
Deglandon	Jones of Falls
Derden	Jones of Wise
Dickison	Keefe
Dollins	Keith
England	Kelt

Kenyon	Ragsdale
Kern	Reader
King	Reed of Bowie
Knetsch	Reed of Dallas
Lankford	Rhodes
Langdon	Riddle
Lanning	Roark
Leath	Ross
Leonard	Russell
Leyendecker	Rutta
Little	Schuenemann
Loggins	Settle
London	Sewell
Lucas	Sharpe
Mauritz	Shell
Mays	Simpson
McConnell	Skaggs
McCracken	Smith
McDonald	of Matagorda
McFarland	Smith of Tarrant
McKinney	Stevenson
Metcalfe	Stinson
Moffett	Stocks
Monkhouse	Talbert
Morris	Tarwater
Morse	Tennant
Newton	Tennyson
Nicholson	Thornberry
Palmer	Thornton
Patterson of Mills	Vale
Patterson	Waggoner
of Travis	Walker
Petsch	Weldon
Pope	Westbrook
Powell	Winfree
Prescott	Wood
Quinn	Worley

**Absent-Excused**

Mann	Oliver
McKee	Smith of Hopkins

A quorum was announced present.  
Prayer was offered by Rev. George W. Coltrin, Chaplain.

**LEAVES OF ABSENCE GRANTED**

The following Members were granted leaves of absence on account of important business:

Mr. Smith of Hopkins for today, on motion of Mr. Tennyson.

Mr. McKee for today, on motion of Mr. Patterson of Mills.

The following Members were granted leaves of absence on account of illness:

Mr. Oliver for today, on account of illness in the family, on motion of Mr. Westbrook.

Mr. Schuenemann for today, on account of illness in the family, on motion of Mr. Shell.

**BILLS ORDERED NOT PRINTED**

On motion of Mr. Mays, Senate Bill No. 196 was ordered not printed.

On motion of Mr. Harris of Dickens, House Bill No. 787 was ordered not printed.

On motion of Mr. Leonard, Senate Bill No. 204 was ordered not printed.

**HOUSE BILLS ON FIRST READING**

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Palmer and Mr. McDonald:

H. B. No. 1149, A bill to be entitled "An Act providing the open season for taking mourning doves in Grimes, Madison and Leon Counties; providing a bag and possession limit for such birds; providing a penalty; repealing all laws in so far as they conflict with this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Thornberry moved to introduce, at this time, and have placed on first reading, House Bill No. 1146.

The motion prevailed by the following vote:

Yeas—123

Adkins	Farmer
Alexander	Felty
Alsup	Fox
Amos	Fuchs
Bates	Gibson
Beckworth	Graves
Bell	Hamilton
Boethel	Hankamer
Bond	Hanna
Boyer	Harbin
Bradbury	Hardin
Bradford	Harper
Broadfoot	Harris of Archer
Brown	Harris of Dallas
Burton	Harris of Dickens
Cagle	Herzik
Callan	Holland
Carssow	Hoskins
Cathey	Howard
Cauthorn	Hull
Cleveland	James
Davis of Haskell	Johnson of Ellis
Davis of Jasper	Jones of Angelina
Davison of Fisher	Jones of Atascosa
Davisson	Jones of Falls
of Eastland	Jones of Wise
Deglandon	Keefe
Dickison	Keith
Dollins	Kelt

Kenyon	Reed of Bowie
Kern	Reed of Dallas
King	Rhodes
Knetsch	Riddle
Langdon	Roark
Lankford	Ross
Lanning	Russell
Leath	Rutta
Leonard	Schuenemann
Leyendecker	Settle
Little	Sewell
Loggins	Sharpe
London	Shell
Lucas	Simpson
Mauritz	Skaggs
Mays	Smith
McCracken	of Matagorda
McFarland	Smith of Tarrant
McKinney	Stevenson
Moffett	Stocks
Monkhouse	Talbert
Morris	Tarwater
Morse	Tennant
Newton	Tennyson
Nicholson	Thornberry
Palmer	Thornton
Patterson of Mills	Vale
Patterson	Waggoner
of Travis	Walker
Petsch	Weldon
Pope	Westbrook
Prescott	Winfree
Quinn	Wood
Reader	Worley

## Present—Not Voting

McConnell

## Absent

Baker	Heflin
Blankenship	Huddleston
Bridgers	Hyder
Celaya	Jackson
Colquitt	Johnson
Dean	of Tarrant
Derden	McDonald
England	Metcalfe
Fielden	Powell
Harrell	Ragsdale
Hartzog	Stinson

## Absent—Excused

Mann	Oliver
McKee	Smith of Hopkins

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Patterson of Travis, Mr. Thornberry, Mr. Graves, Mr. Hoskins, Mr. Smith of Matagorda, Mr. Fuchs and Mr. Petsch:

H. B. No. 1146, A bill to be entitled "An Act amending the 'Lower Colo-

rado River Authority Act', Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature, by adding a new Section to be known as Section 14a, to provide that nothing in Section 14 or elsewhere in said Act shall prohibit the District from acquiring property from or selling property to the City of Austin upon such terms and conditions, and entering into such contractual relations thereto, as the District and the City may mutually agree upon, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

Mr. Hyder moved to introduce, at this time, and have placed on first reading, House Bill No. 1147.

The motion prevailed by the following vote:

Yeas—119

Adkins	Harris of Dickens
Alexander	Heflin
Alsup	Herzik
Amos	Holland
Bates	Howard
Beckworth	Hull
Bell	Hyder
Boethel	Jackson
Boyer	James
Bradbury	Johnson of Ellis
Bradford	Jones of Angelina
Broadfoot	Jones of Atascosa
Brown	Jones of Falls
Burton	Jones of Wise
Cagle	Keefe
Callan	Keith
Carssow	Kelt
Cauthorn	Kern
Cleveland	Knetsch
Davis of Haskell	Langdon
Davis of Jasper	Lankford
Davison of Fisher	Lanning
Davisson	Leath
of Eastland	Leonard
Deglandon	Leyendecker
Derden	Little
Dickison	Loggins
Dollins	London
Farmer	Lucas
Felty	Mauritz
Fox	Mays
Fuchs	McConnell
Gibson	McCracken
Hamilton	McDonald
Hankamer	McFarland
Hanna	McKinney
Harbin	Moffett
Hardin	Monkhouse
Harper	Morris
Harris of Archer	Morse
Harris of Dallas	Newton

Palmer	Shell
Patterson of Mills	Simpson
Patterson	Skaggs
of Travis	Smith
Petsch	of Matagorda
Prescott	Smith of Tarrant
Quinn	Stocks
Ragsdale	Talbert
Reader	Tarwater
Reed of Bowie	Tennant
Reed of Dallas	Tennyson
Rhodes	Thornton
Riddle	Vale
Roark	Waggoner
Russell	Walker
Rutta	Weldon
Schuenemann	Westbrook
Settle	Winfree
Sewell	Wood
Sharpe	Worley

## Nays—1

King

## Absent

Baker	Hoskins
Blankenship	Huddleston
Bond	Johnson
Bridgers	of Tarrant
Cathy	Kenyon
Celaya	Metcalfe
Colquitt	Nicholson
Dean	Pope
England	Powell
Fielden	Ross
Graves	Stevenson
Harrell	Stinson
Hartzog	Thornberry

## Absent—Excused

Mann	Oliver
McKee	Smith of Hopkins

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Hyder:

H. B. No. 1147, A bill to be entitled "An Act to increase and provide for the salary of the Superintendent of Public Instruction of Denton County; providing for traveling expenses, office expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Education.

Mr. Graves moved to introduce, at this time, and have placed on first reading, House Bill No. 1148.

The motion prevailed by the following vote:

## Yeas—117

Adkins	King
Alexander	Knetsch
Baker	Langdon
Bates	Lankford
Beckworth	Lanning
Bell	Leath
Boethel	Leonard
Boyer	Leyendecker
Bradbury	Little
Bradford	Loggins
Bridgers	London
Brown	Lucas
Burton	Mauritz
Cagle	Mays
Callan	McConnell
Carssow	McFarland
Cathey	Moffett
Cauthorn	Monkhouse
Cleveland	Morris
Davis of Haskell	Morse
Davis of Jasper	Newton
Davison of Fisher	Palmer
Davisson	Patterson of Mills
of Eastland	Patterson
Deglandon	of Travis
Derden	Petsch
Dickison	Pope
Dollins	Prescott
Felty	Quinn
Fox	Ragsdale
Gibson	Reader
Graves	Reed of Bowie
Hamilton	Reed of Dallas
Hankamer	Rhodes
Hanna	Riddle
Harbin	Roark
Hardin	Russell
Harper	Rutta
Harris of Archer	Schuenemann
Harris of Dallas	Sewell
Harris of Dickens	Shell
Heflin	Simpson
Herzik	Skaggs
Holland	Smith
Hoskins	of Matagorda
Howard	Smith of Tarrant
Huddleston	Stocks
Hull	Talbert
Hyder	Tarwater
Jackson	Tennant
James	Tennyson
Johnson of Ellis	Thornton
Jones of Angelina	Vale
Jones of Falls	Waggoner
Jones of Wise	Walker
Keefe	Weldon
Keith	Westbrook
Kelt	Winfree
Kenyon	Wood
Kern	Worley

## Absent

Alsup	Johnson
Amos	of Tarrant
Blankenship	Jones of Atascosa
Bond	McCracken
Broadfoot	McDonald
Celaya	McKinney
Colquitt	Metcalfe
Dean	Nicholson
England	Powell
Farmer	Ross
Fielden	Settle
Fuchs	Sharpe
Harrell	Stevenson
Hartzog	Stinson
	Thornberry

## Absent—Excused

Mann	Oliver
McKee	Smith of Hopkins

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Graves:

H. B. No. 1148, A bill to be entitled "An Act amending Acts of 1935, Forty-fourth Legislature, Special Laws, page 1210, Chapter 45, prohibiting transportation of minnows of any and all species outside of the counties wherein such minnows are caught, seined, or taken, by adding thereto the County of Williamson and Burnet, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

# REQUESTING THE HIGHWAY DEPARTMENT TO GIVE RAISE IN SALARIES TO CERTAIN EMPLOYEES

Mr. Johnson of Ellis offered the following resolution:

H. C. R. No. 108, Requesting the Highway Department to give raise in salaries to certain Employees.

Whereas, There is a general tendency in the House and Senate to raise salaries on account of the high cost of living and other reasons; and

Whereas, In the Highway Department they have plenty of money and are paying high price salaries to a great many of their employees; and

Whereas, There are several hundred employees that do manual labor for the Highway Department in different parts of the State; and

Whereas, They are not being paid a salary that they can support them-

selves and families in the right kind of way; and

Whereas, The said employees frequently work overtime in order to further the work of the Highway Department on different State Highway Projects of the State; therefore, be it

Resolved That the House of Representatives, the Senate concurring, Request the Highway Department to give these persons who are doing manual labor at least a 20% raise in their salaries and that while they work overtime they be paid for the overtime that they work.

JOHNSON of Ellis,  
CATHEY,  
JAMES,  
ALSUP,  
KEEFE.

The resolution was read second time.

Mr. Petsch moved to refer the resolution to the Committee on Highways and Motor Traffic.

Mr. Alsup moved to table the motion by Mr. Petsch.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—47

Alsup	Johnson
Baker	of Tarrant
Bell	Keefe
Blankenship	Kenyon
Boyer	Kern
Bradford	Knetsch
Callan	Lankford
Cathey	Leath
Cauthorn	Loggins
Cleveland	Lucas
Davis of Jasper	McFarland
Deglandon	Newton
England	Prescott
Farmer	Reed of Bowie
Hamilton	Riddle
Hanna	Russell
Hardin	Rutta
Harris of Archer	Sewell
Harris of Dallas	Stocks
Herzik	Talbert
Holland	Tennant
Huddleston	Thornton
Hyder	Vale
James	Westbrook

## Nays—66

Adkins	Beckworth
Alexander	Boethel
Bates	Bridgers

Broadfoot	Leyendecker
Brown	Little
Burton	London
Cagle	Mauritz
Carssow	McConnell
Davis of Haskell	McCracken
Davison of Fisher	McDonald
Davisson	McKinney
of Eastland	Metcalfe
Dean	Moffett
Derden	Morris
Dickison	Morse
Dollins	Patterson
Felty	of Travis
Fox	Petsch
Gibson	Reader
Hankamer	Reed of Dallas
Harbin	Rhodes
Harris of Dickens	Roark
Heflin	Schuenemann
Hull	Sharpe
Jackson	Simpson
Johnson of Ellis	Smith
Jones of Angelina	of Matagorda
Jones of Atascosa	Smith of Tarrant
Jones of Falls	Tarwater
Jones of Wise	Tennyson
Keith	Waggoner
Kelt	Walker
King	Weldon
Langdon	Wood
Leonard	

## Present—Not Voting

Winfree

## Absent

Amos	Nicholson
Bond	Palmer
Bradbury	Patterson of Mills
Celaya	Pope
Colquitt	Powell
Fielden	Quinn
Fuchs	Ragsdale
Graves	Ross
Harper	Settle
Harrell	Shell
Hartzog	Skaggs
Hoskins	Stevenson
Howard	Stinson
Lanning	Thornberry
Mays	Worley
Monkhouse	

## Absent—Excused

Mann	Oliver
McKee	Smith of Hopkins

Mr. Alsup moved, as a substitute motion, that House Concurrent Resolution No. 108 be referred to the Committee on Appropriations.

Question recurring on the substitute by Mr. Alsup, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—68

Alexander	Langdon
Alsup	Lankford
Baker	Lanning
Blankenship	London
Boethel	Mauritz
Bradford	McConnell
Bridgers	McDonald
Broadfoot	Metcalfe
Burton	Moffett
Carssow	Monkhouse
Davis of Haskell	Morris
Davison of Fisher	Morse
Dean	Nicholson
England	Patterson
Farmer	of Travis
Felty	Petsch
Fox	Powell
Fuchs	Quinn
Gibson	Reed of Dallas
Hankamer	Roark
Harbin	Russell
Harper	Rutta
Harris of Archer	Settle
Heflin	Skaggs
Holland	Smith
Hyder	of Matagorda
Jackson	Stocks
Johnson	Talbert
of Tarrant	Tarwater
Jones of Angelina	Thornberry
Jones of Falls	Thornton
Jones of Wise	Waggoner
Keith	Winfree
Kelt	Wood
King	Worley
Knetsch	

## Nays—60

Adkins	Hardin
Amos	Harrell
Bates	Harris of Dickens
Beckworth	Harris of Dallas
Bell	Herzik
Boyer	Howard
Bradbury	Huddleston
Brown	Hull
Cagle	James
Callan	Johnson of Ellis
Cathey	Keefe
Cauthorn	Kenyon
Cleveland	Kern
Davis of Jasper	Leath
Davisson	Little
of Eastland	Loggins
Deglandon	Lucas
Derden	McFarland
Dickison	McKinney
Dollins	Newton
Fielden	Palmer
Hamilton	Patterson of Mills
Hanna	Pope

Prescott	Simpson
Ragsdale	Smith of Tarrant
Reader	Tennant
Reed of Bowie	Tennyson
Rhodes	Vale
Sewell	Weldon
Sharpe	Westbrook
Shell	

Absent

Bond	Leyendecker
Celaya	Mays
Colquitt	McCracken
Graves	Riddle
Hartzog	Ross
Hoskins	Stevenson
Jones of Atascosa	Stinson
Leonard	Walker

Absent—Excused

Mann	Schuenemann
McKee	Smith of Hopkins
Oliver	

#### GRANTING PERMISSION TO SUE THE STATE

Mr. Keefe offered the following resolution:

H. C. R. No. 110, Granting Floyd Arnwine permission to sue the State.

Whereas, It is alleged that on or about the 6th day of December, 1934, Floyd Arnwine while in the employment of the Texas Relief Commission sustained and suffered serious and permanent bodily injuries while working on Project No. 37-B2-61 near Jacksonville in Cherokee County, Texas. Said injuries are alleged to have been received and sustained by the said Floyd Arnwine as a result of having been run over by a loaded truck driven by another employee working on the same project; and

Whereas, It is alleged that as a result of said accident sustained by the said Floyd Arnwine while in the line of duty as an employee of the Texas Relief Commission, the said Arnwine has sustained and suffered an injury to his limbs which has left him crippled and has reduced his capacity to earn a livelihood for himself and family, and it is further alleged that the said Arnwine is permanently barred from doing hard manual labor by reason of such accident, and his ability to earn money as a laborer has been reduced; and

Whereas, It is alleged that the said Floyd Arnwine has never been compensated by the State of Texas for the damages resulting from said injuries; now, therefore, be it

Resolved by the House of Representatives, and the Senate concurring, That the said Floyd Arnwine, his heirs, executors, and administrators be, and they are hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Cherokee County, Texas, in order to ascertain, fix, and award the amount of money, if any, that the said Floyd Arnwine, his heirs, executors, and administrators are entitled to receive from the State of Texas as compensation on account of such injuries and resulting damages, and that in case such suit be filed, service of citation or other necessary process shall be had upon the Attorney General of this State, or waived by him, and that the same shall have the same force and effect as made and provided in civil cases and that either one of the parties to said suit shall have the right to appeal.

The fact that said Floyd Arnwine is physically incapacitated because of injuries received in working for the State and/or its agents and the further fact that he has not been compensated for injuries received create an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that all bills be read on three separate days in each House, and said Rule is hereby suspended and this resolution shall take effect from and after its passage, and it is so enacted.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 259, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Woodruff, Davis, Holbrook, Collie and Neal.

Has refused to concur in House amendments to Senate Bill No. 472, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Van Zandt, Isbell, Westersfeld, Shivers and Cotten.

Has passed

H. B. No. 127, A bill to be entitled "An Act to authorize payments of funds arising out of liquidated and uncontested claims in favor of minors, lunatics, idiots and non compos mentis and to provide for the disposition of such funds so paid and to define the duties of the person holding such funds, providing this Act shall be cumulative of all other laws on the same subject, and declaring an emergency."

H. B. No. 216, A bill to be entitled "An Act to amend Articles 2503, 2504 and 2507, Title Forty-six, Revised Civil Statutes of Texas, 1925, having relation to the Capital structure and interest charges of mutual loan corporations."

H. B. No. 291, A bill to be entitled "An Act to amend Chapter 83, Senate Bill 179, of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, by amending Section 4 of said Act by adding, at the end of such Section the following: 'Provided, that any person who has to his credit in any standard college or university of Texas as much as six (6) hours of Government, shall be deemed to have met the requirements of this Section', and declaring an emergency." (With amendment.)

H. B. No. 515, A bill to be entitled "An Act to prohibit the killing, capturing or taking possession of any wild fox in Lamar County for a period of five years from and after the passage of this Act; prescribing a penalty for violation, and declaring an emergency."

H. B. No. 518, A bill to be entitled "An Act to amend Chapter 2 of Title 116 of the Revised Civil Statutes of Texas, 1925, by adding to said Chapter a new Article to be known as 'Article 6711-A', providing that upon application of ten (10) or more resident citizens of the County of Trinity, or one person living within an enclosure of two thousand (2,000) acres or more in said County, the Commissioners Court of said County shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line,

where said land is adjacent or contiguous to public rivers, lakes or bays in the County of Trinity; providing for notice and hearing on said application; . . . etc., and declaring an emergency."

H. B. No. 625, A bill to be entitled "An Act amending Article 5449, 1925 Revised Civil Statutes, and declaring an emergency."

H. B. No. 634, A bill to be entitled "An Act to amend Subdivision 38, of Article 19, Title 8, Revised Statutes of 1925, and declaring an emergency."

H. B. No. 772, A bill to be entitled "An Act amending Section 9 of Chapter 101 of the General and Special Laws of the First Called Session of the Forty-third Legislature, and declaring an emergency."

H. B. No. 650, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation, and declaring an emergency." (With amendments.)

H. B. No. 774, A bill to be entitled "An Act amending certain sections of Senate Bill No. 146 passed by the Regular Session of the Forty-fourth Legislature of the State of Texas, etc., and creating an emergency."

H. B. No. 804, A bill to be entitled "An Act to make it unlawful to keep, impound, confine or transport game fish in live boxes or ponds, or to have in live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported and to possess, keep or place in storage more than seventy-six game fish in Harrison and Marion Counties, State of Texas; defining the terms 'live box', 'pond', 'in storage', and 'game fish', as used in this Act; providing for the liberation or donation to a charitable institution or charitable cause, of fish confined or impounded, or kept in storage, in violation of this Act, and providing penalties for the violation of this Act, and declaring an emergency."

H. B. No. 846, A bill to be entitled "An Act making it unlawful to take or kill by trap, snare, or deadfall any



fur bearing animals in Harrison County; providing certain exceptions; providing the length of this Act; describing a penalty, and declaring an emergency."

H. B. No. 938, A bill to be entitled "An Act amending Article 3605, to provide for the appointment of a guardian for a non compos mentis, and declaring an emergency."

H. B. No. 971, A bill to be entitled "An Act repealing Chapter 174, Special Laws of the Forty-second Legislature, Regular Session, and declaring an emergency."

H. B. No. 975, A bill to be entitled "An Act making an emergency appropriation of Five Hundred Three Thousand Two Hundred Seventy-eight and 02/100 (\$503,278.02) Dollars out of the General Revenue Fund of the State of Texas for certain State Departments, State Eleemosynary Institutions and certain State Educational Institutions; designating the purpose for which said funds are to be used; providing that said funds are to be available immediately, and declaring an emergency." (With amendments.)

H. B. No. 1005, A bill to be entitled "An Act amending Title 25 of Article 911b, Section 6, paragraph (d) of Vernon's Annotated Texas Statutes by providing that the Railroad Commission of Texas may issue special permits to transport used office furniture and equipment for hire by motor vehicles, and declaring an emergency."

H. B. No. 1048, A bill to be entitled "An Act granting the Commissioners Court of Taylor County permission to pay out of the General Fund of said County bounties for the destruction of rabbits and ravens, and declaring an emergency."

H. B. No. 1088, A bill to be entitled "An Act providing for emergency relief for Kingsland Common School District, No. 29, of Llano County, Texas, to aid said District in the payment of teachers' salaries and in equipping said school building in which there has been an influx of children within scholastic age since the last scholastic enumeration in the State; making an appropriation to said District for said purposes; prescribing the manner of disbursing the funds appropriated by this Act, and declaring an emergency."

H. B. No. 1139, A bill to be entitled "An Act to create Dallas County

Levee Improvement District Number Fourteen, of Dallas County, Texas, embracing lands in the County of Dallas, Texas, and lying within the boundaries of Dallas County Levee District Number Two, etc., and declaring an emergency."

Adopted conference committee report on Senate Bill No. 193 by the following vote: Yeas, 29; Nays, 1.

The Senate has reconsidered the vote by which the Senate refused to concur in House amendments to Senate Bill No. 137, and has concurred in House amendments by the following vote: Yeas, 24; Nays, 5.

Respectfully,

BOB BARKER,

Secretary of the Senate.

(Mr. Graves in the Chair.)

#### PROVIDING FOR THE CONSIDERATION OF HOUSE BILL NO. 838

Mr. Calvert offered the following resolution:

H. C. R. No. 111, Providing for the consideration of House Bill No. 838.

Resolved by the House of Representatives, the Senate concurring, That Section 21 of the Joint Rules of the Forty-fifth Legislature be and the same is hereby suspended for the purpose of taking up and considering in the House, at 2:00 o'clock p. m. Thursday, April 29, 1937, House Bill No. 838, the Judiciary Appropriation bill, until the same is finally disposed of.

CALVERT,  
GRAVES,  
THORNTON,  
STEVENSON.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—121

Adkins	Bradbury
Alexander	Bridgers
Alsup	Broadfoot
Amos	Burton
Baker	Cagle
Bates	Callan
Beckworth	Cauthorn
Bell	Cleveland
Blankenship	Colquitt
Boethel	Davis of Haskell
Bond	Davis of Jasper
Boyer	Davison of Fisher

Davisson	McDonald
of Eastland	McFarland
Deglandon	Metcalf
Derden	Moffett
Dollins	Monkhouse
England	Morris
Felty	Morse
Fox	Newton
Fuchs	Nicholson
Gibson	Palmer
Hamilton	Patterson of Mills
Hankamer	Patterson
Harbin	of Travis
Hardin	Petsch
Harper	Pope
Harris of Archer	Powell
Harris of Dallas	Prescott
Harris of Dickens	Quinn
Heflin	Ragsdale
Herzik	Reader
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Rhodes
Huddleston	Roark
Hull	Russell
Jackson	Rutta
James	Schuenemann
Johnson of Ellis	Settle
Johnson	Sewell
of Tarrant	Sharpe
Jones of Angelina	Shell
Jones of Falls	Simpson
Jones of Wise	Skaggs
Keefe	Smith
Keith	of Matagorda
Kelt	Smith of Tarrant
Kenyon	Stevenson
Kern	Stocks
King	Talbert
Knetsch	Tarwater
Langdon	Tennant
Lankford	Tennyson
Lanning	Thornberry
Leath	Thornton
Leonard	Waggoner
Leyendecker	Walker
Little	Weldon
London	Westbrook
Lucas	Winfree
Mauritz	Worley
McConnell	

## Nays—9

Bradford	Fielden
Brown	Loggins
Carssow	Mays
Dean	McKinney
Farmer	

## Absent

Cathey	Harrell
Celaya	Hartzog
Dickison	Hyder
Graves	Jones of Atascosa
Hanna	McCracken

Riddle	Vale
Ross	Wood
Stinson	Absent—Excused

Mann	Oliver
McKee	Smith of Hopkins

**EXPRESSING SYMPATHY TO  
HON. CLARENCE FARMER  
AND WIFE**

Mr. Amos offered the following resolution:

Whereas, Mrs. Clarence Farmer, the wife of our fellow Member, the Honorable Clarence Farmer of Fort Worth, Tarrant County, Texas, has been seriously ill for the past week; and

Whereas, Mr. Farmer has been at his wife's bedside for several days and has been unable to attend the sessions of the House of Representatives; now, therefore, be it

Resolved by the House of Representatives, That we take this means of expressing to Mr. and Mrs. Farmer our regret at Mrs. Farmer's illness and our sincere wish for her speedy recovery.

**AMOS,  
HULL,  
JOHNSON of Tarrant,  
SMITH of Tarrant.**

The resolution was read second time, and was adopted.

**PROVIDING FOR THE CONSID-  
ERATION OF HOUSE  
BILL NO. 134**

Mr. Tennyson offered the following resolution:

Be It Resolved, That when the House convenes on Thursday night, April 29th, to consider House Bill No. 581 and other bills, that it also consider House Bill No. 134, inasmuch as this is an important measure to be considered at this Session of the Legislature.

**TENNYSON,  
HARRIS of Archer.**

The resolution was read second time.

Question recurring on the resolution by Mr. Tennyson, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—120

Adkins	Alsup
Alexander	Amos

Baker	Knetsch
Bates	Langdon
Beckworth	Lankford
Bell	Lanning
Blankenship	Leath
Boethel	Leonard
Boyer	Leyendecker
Bradford	Little
Bridgers	Loggins
Broadfoot	London
Brown	Lucas
Burton	Mauritz
Cagle	Mays
Callan	McConnell
Carssow	McDonald
Cathey	McFarland
Cauthorn	Metcalf
Cleveland	Moffett
Davis of Haskell	Monkhouse
Davis of Jasper	Morris
Davison of Fisher	Morse
Davisson	Newton
of Eastland	Nicholson
Dean	Patterson of Mills
Deglandon	Patterson
Derden	of Travis
Dickison	Petsch
Dollins	Pope
Farmer	Powell
Felty	Prescott
Fielden	Quinn
Fox	Reader
Gibson	Reed of Bowie
Hamilton	Rhodes
Harbin	Riddle
Hardin	Roark
Harper	Russell
Harrell	Rutta
Harris of Archer	Schuenemann
Harris of Dallas	Settle
Harris of Dickens	Sewell
Heflin	Sharpe
Herzik	Simpson
Hoskins	Skaggs
Howard	Smith
Huddleston	of Matagorda
Hull	Smith of Tarrant
Jackson	Stinson
James	Stocks
Johnson of Ellis	Talbert
Johnson	Tennant
of Tarrant	Tennyson
Jones of Angelina	Thornberry
Jones of Falls	Vale
Jones of Wise	Waggoner
Keefe	Walker
Keith	Weldon
Kelt	Westbrook
Kern	Winfree
King	Worley

Nays—3

Colquitt  
Shell

Thornton

## Absent

Bond	Jones of Atascosa
Bradbury	Kenyon
Celaya	McCracken
England	McKinney
Fuchs	Palmer
Graves	Ragsdale
Hankamer	Reed of Dallas
Hanna	Ross
Hartzog	Stevenson
Holland	Tarwater
Hyder	Wood

## Absent—Excused

Mann	Oliver
McKee	Smith of Hopkins

## RELATIVE TO THE RESOLUTION PERIOD

Mr. Harbin moved that the House dispense with further consideration of resolutions, at this time.

The motion prevailed.

## EXPRESSING BEST WISHES OF THE HOUSE

Mr. London offered the following resolution:

Whereas, It has been held for many years that "In the spring a young man's fancies lightly turn to thoughts of love"; and

Whereas, There is one among our midst who is a living exhibition of the truth of this maxim; and

Whereas, His thoughts have not been on legislative things; and

Whereas, He has used the good old Baylor line in convincing the young lady that their love should be mutual; and

Whereas, Langdon, Hartzog, Harris, and some of the rest can testify as to just what he is getting into; therefore, be it

Resolved by the House of Representatives, That they extend to him, Samuel Aubrey Jones, their best wishes and sympathy and respectfully dedicate to him the current song hit "Boo Hoo".

LONDON,  
BOETHEL.

The resolution was read second time, and was adopted.

## TO PROVIDE FOR CONSIDERATION OF CERTAIN BILLS

The Chair laid before the House, for consideration at this time, resolution offered on last Monday, by Mr.

Worley, relating to the consideration of certain bills.

The resolution having been read second time on last Tuesday, and substitute for same having been adopted on yesterday.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—78

Adkins	Keefe
Alexander	Kelt
Amos	Kern
Baker	King
Bates	Loggins
Bell	Lucas
Blankenship	Mays
Boethel	McCracken
Boyer	McDonald
Bradbury	McKinney
Bradford	Monkhouse
Bridgers	Palmer
Brown	Patterson of Mills
Carsow	Patterson
Cauthorn	of Travis
Colquitt	Prescott
Davis of Jasper	Reader
Dean	Reed of Bowie
Derden	Reed of Dallas
Dickison	Rhodes
Dollins	Roark
Farmer	Rutta
Felty	Schuenemann
Fielden	Sewell
Hanna	Shell
Harbin	Simpson
Hardin	Skaggs
Harper	Smith
Harrell	of Matagorda
Harris of Dallas	Smith of Tarrant
Harris of Dickens	Stocks
Heflin	Talbert
Herzik	Tennant
Hoskins	Thornberry
Huddleston	Thornton
Hull	Vale
Jackson	Weldon
James	Westbrook
Johnson	Winfree
of Tarrant	Worley
Jones of Angelina	

## Nays—41

Alsup	Cathey
Beckworth	Cleveland
Bond	Deglandon
Broadfoot	Fox
Burton	Gibson
Cagle	Hamilton
Callan	Harris of Archer

Howard	McFarland
Hyder	Moffett
Johnson of Ellis	Morse
Jones of Falls	Powell
Jones of Wise	Quinn
Keith	Riddle
Knetsch	Russell
Langdon	Settle
Lankford	Sharpe
Lanning	Stinson
Leyendecker	Tennyson
London	Waggoner
Mauritz	Walker
McConnell	

## Absent

Celaya	Leonard
Davis of Haskell	Little
Davison of Fisher	Metcalfe
Davison	Morris
of Eastland	Newton
England	Nicholson
Fuchs	Petsch
Graves	Pope
Hankamer	Ragsdale
Hartzog	Ross
Holland	Stevenson
Jones of Atascosa	Tarwater
Kenyon	Wood
Leath	

## Absent—Excused

Mann	Oliver
McKee	Smith of Hopkins

## SENATE BILL NO. 95 ON PASSAGE TO THIRD READING

The Chair laid before the House, as pending business, on its passage to third reading,

S. B. No. 95, A bill to be entitled "An Act relating to the salaries of all state officers and all state employees, except Judges of the District and all Appellate Courts, Judges of the Supreme Court Commission of Appeals, Judges of the Commission in aid of the Court of Criminal Appeals, Attorney General and those constitutional state officers whose salaries are specifically fixed by the Constitution; repealing all laws and parts of laws in conflict herewith, and declaring and emergency."

The bill having been read second time on yesterday.

Mr. Thornton moved that further consideration of Senate Bill No. 95 be postponed until 10:30 o'clock a. m., tomorrow.

The motion prevailed.

SENATE BILL NO. 113 ON SECOND  
READING

The Chair laid before the House, on its second reading and passage to third reading,

S. B. No. 113, A bill to be entitled "An Act to amend Chapter 209 of the Acts of the Regular Session of the Forty-third Legislature so as to define the rights and duties of the State Board of Education."

The bill was read second time.

Mr. Tennyson offered the following committee amendment to the bill:

Amend Senate Bill No. 113, by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. That Chapter 209 of the Acts of the Regular Session of the Forty-third Legislature be amended so as hereafter to be and read as follows:

"Section 1. The State Board of Education may require any school district, or any city or town, which has assumed the control of public schools located therein, school bonds of which are owned by the State Permanent School Fund, and which may be entitled to receive monies from the available school fund, or for rural aid, and which is in default for a period of two years as to the payment of principal or of interest or both, of any outstanding school bond issue of such district, city or town, to levy a tax sufficient to pay the principal and interest of its bonds as such principal matures and as such interest accrues; provided, if any such district, city or town shall furnish to the State Board of Education satisfactory proof that its taxing ability is insufficient to provide money enough to pay principal and interest of its bonds according to their tenor and effect, then in the alternative, the Board may require such district, city or town to exhaust its legal remedies in the matter of collecting its taxes then delinquent, and to levy a tax at the maximum rate for bond purposes permitted under the law applicable to it, based on the assessed valuation of taxable property therein, duly and fairly ascertained in the manner required by law; that when such taxes shall have been so levied and collected each holder of its bonds including the State of Texas, shall be entitled to receive a proportionate part of the money thus collected based on the requirements for

principal and interest of the bonds owned by each holder calculated on the basis of original bonds before refunding operations, if any, occasioned because of the embarrassed financial condition of such district, city or town; that the proportionate part to be available to each holder shall not be reduced by reason of acceptance by said holders of refunding bonds.

"Section 2. If any such district, city or town defaults in the payment of principal or interest on its bonds for a period of two years held by the State Permanent School Fund, the Comptroller of Public Accounts shall not issue any warrants to or for the benefit of such district, city or town for the payment of the available school fund or for rural aid; provided that at such time as the Comptroller shall have received a certificate executed by the President and Secretary of the State Board of Education to the effect that such district, city or town has complied with the requirements of the State Board of Education as to the levying and collecting and distributing of taxes as more fully described in Section 1 of this Act then in that event the Comptroller of Public Accounts shall resume making such payments to or for the benefit of such district, including the making of pretermitted payments.

"Section 3. So long as any such district, city or town is delinquent in its payments of principal or interest or both, the State Board of Education shall have authority to specify the method of crediting payments to the State made by such district, city or town as to principal or interest.

"Section 4. The duties imposed and the rights conferred by this Act shall be cumulative of all other duties heretofore imposed and rights heretofore conferred and shall not be considered to be in substitution thereof.

"Section 5. In event any provisions of this Act shall be in conflict with the provisions of any other Act, the provisions contained in this Act shall prevail. In event any sentence, clause or provisions contained in this Act shall be invalid, such partial invalidity shall not effect the other provisions of this Act."

Section 2. The fact that there is no adequate law accomplishing the purpose of this Act creates an emergency and an imperative public neces-

sity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended and said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Mr. Tennyson offered the following committee amendment to the bill:

Amend Senate Bill No. 113, by striking out all above the enacting clause and insert in lieu thereof the following:

**A BILL  
To Be Entitled**

An Act to amend Chapter 209 of the Acts of the Regular Session of the Forty-third Legislature so as to define the rights and duties of the State Board of Education to exact of school districts and cities and towns which have assumed control of public schools located therein the performance of certain prescribed duties in instances wherein all or any part of the bonds of such districts, cities, or towns are owned by the Permanent School Fund; prescribing the duties of such districts, cities and towns and the rights of bondholders in such instances; prescribing the duties of the Comptroller of Public Accounts in reference thereto; providing for suspension of payments of available and rural aid school funds to such districts, cities or towns as are delinquent; conferring on the State Board of Education authority to cause the resumption of such payments in the manner herein prescribed; conferring on the State Board of Education discretion as to application of monies remitted for bond purposes; declaring this Act to be cumulative; providing that to the extent that the provisions of this Act are in conflict with other laws, the provisions of this Act shall prevail; providing that in event any sentence, clause or provision contained herein shall be invalid, such partial invalidity shall not affect other provisions of this Act, and declaring an emergency.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 113 was then passed to third reading.

**SENATE BILL NO. 113 ON THIRD  
READING**

Mr. Tennyson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 113 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Adkins	Hyder
Alexander	Jackson
Alsup	James
Amos	Johnson of Ellis
Baker	Johnson
Bates	of Tarrant
Beckworth	Jones of Angelina
Blankenship	Jones of Atascosa
Boethel	Jones of Falls
Bond	Jones of Wise
Boyer	Keefe
Bradbury	Keith
Bridgers	Kelt
Broadfoot	Kern
Brown	King
Burton	Knetsch
Cagle	Langdon
Callan	Lankford
Carssow	Lanning
Cathy	Leath
Cauthorn	Leonard
Cleveland	Leyendecker
Cblquitt	Loggins
Davis of Haskell	London
Davis of Jasper	Mauritz
Davison of Fisher	Mays
Davisson	McConnell
of Eastland	McKinney
Deglandon	Metcalfe
Derden	Monkhouse
Dickison	Morris
Dollins	Morse
England	Newton
Farmer	Palmer
Fielden	Patterson of Mills
Fox	Patterson
Gibson	of Travis
Hamilton	Pope
Hankamer	Powell
Hanna	Prescott
Harbin	Quinn
Hardin	Ragsdale
Harper	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Rhodes
Harris of Dickens	Riddle
Heflin	Roark
Herzik	Russell
Holland	Rutta
Hoskins	Settle
Howard	Sharpe
Huddleston	Simpson
Hull	Skaggs

Smith	Thornberry	Cauthorn	Leonard
of Matagorda	Thornton	Celaya	Leyendecker
Smith of Tarrant	Vale	Cleveland	Little
Stinson	Walker	Colquitt	Loggins
Stocks	Weldon	Davis of Haskell	London
Talbert	Westbrook	Davis of Jasper	Mauritz
Tennant	Wood	Davison of Fisher	Mays
Tennyson	Worley	Davisson of Eastland	McConnell
Nays—2		Deglandon	Metcalfe
Petsch	Waggoner	Derden	Moffett
Absent		Dickison	Monkhouse
Bell	McCracken	Dollins	Morris
Bradford	McDonald	England	Morse
Celaya	McFarland	Farmer	Newton
Dean	Moffett	Felty	Palmer
Felty	Nicholson	Fielden	Patterson of Mills
Fuchs	Reader	Fox	Patterson of Travis
Graves	Ross	Gibson	Petsch
Harrell	Sewell	Hamilton	Powell
Hartzog	Shell	Hankamer	Prescott
Kenyon	Stevenson	Hanna	Quinn
Little	Tarwater	Hardin	Ragsdale
Lucas	Winfree	Harper	Reed of Bowie
Absent—Excused		Harris of Archer	Reed of Dallas
Mann	Schuenemann	Harris of Dallas	Rhodes
McKee	Smith of Hopkins	Harris of Dickens	Roark
Oliver		Heflin	Russell
The Chair then laid Senate Bill No. 113 before the House on third reading and final passage.		Herzik	Rutta
The bill was read third time.		Holland	Schuenemann
Mr. England offered the following amendment to the bill:		Hoskins	Settle
Amend Senate Bill No. 113, by adding between the words "of" and "two", in Section 2, line 30, the following "as much as".		Howard	Sharpe
The amendment was adopted.		Huddleston	Shell
Mr. Tennyson offered the following amendment to the bill:		Hull	Simpson
Amend Senate Bill No. 113, by changing the word "unsufficient" in line 11, page 2, to "insufficient".		Hyder	Skaggs
The amendment was adopted.		Jackson	Smith
Senate Bill No. 113 was then passed by the following vote:		James	of Matagorda
Yeas—120		Johnson of Ellis	Smith of Tarrant
Adkins	Boyer	Johnson	Stinson
Alexander	Bradbury	of Tarrant	Stocks
Alsup	Bridgers	Jones of Angelina	Talbert
Amos	Broadfoot	Jones of Atascosa	Tarwater
Baker	Brown	Jones of Falls	Tennant
Bates	Burton	Jones of Wise	Tennyson
Beckworth	Cagle	Keefe	Thornberry
Bell	Callan	Keith	Thornton
Boethel	Cathey	Kelt	Vale
		Kern	Waggoner
		Knetsch	Walker
		Langdon	Weldon
		Lankford	Westbrook
		Lanning	Wood
		Leath	Worley
		Absent	
		Blankenship	Hartzog
		Bond	Kenyon
		Bradford	King
		Carssow	Lucas
		Dean	McCracken
		Fuchs	McDonald
		Graves	McFarland
		Harbin	McKinney
		Harrell	Nicholson

Pope  
Reader  
Riddle  
Ross

Absent—Excused

Mann  
McKee

Oliver  
Smith of Hopkins

# HOUSE BILL NO. 654 WITH SENATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 654, A bill to be entitled "An Act providing for and authorizing 'Marketing Agreements' with respect to citrus fruits or citrus fruit; authorizing the Commissioner of Agriculture of the State of Texas to enter into 'Marketing Agreements' with producers, shippers and/or handlers thereof in interstate commerce; setting forth the imperative necessity therefor; . . . etc., and declaring an emergency."

The Chair laid the bill before the House with the Senate amendments.

On motion of Mr. Leonard, the House concurred in the Senate amendments by the following vote:

Yeas—122

Adkins	Dickison
Alexander	Dollins
Alsup	England
Amos	Farmer
Baker	Felty
Bates	Fielden
Beckworth	Fox
Bell	Gibson
Blankenship	Hamilton
Boethel	Hankamer
Boyer	Hanna
Bradbury	Harbin
Bradford	Hardin
Bridgers	Harper
Brown	Harris of Archer
Burton	Harris of Dallas
Cagle	Heflin
Callan	Herzik
Carssow	Holland
Cathey	Hoskins
Cauthorn	Howard
Cleveland	Huddleston
Colquitt	Hull
Davis of Haskell	Hyder
Davison of Fisher	Jackson
Davisson	James
of Eastland	Johnson of Ellis
Deglandon	Johnson
Derden	of Tarrant

Jones of Angelina  
Jones of Atascosa  
Jones of Falls  
Jones of Wise  
Keefe  
Keith  
Kelt  
Kern  
King  
Knetsch  
Langdon  
Lanning  
Leath  
Leonard  
Leyendecker  
Little  
Loggins  
London  
Mauritz  
Mays  
McConnell  
McCracken  
McDonald  
Metcalf  
Moffett  
Monkhouse  
Morris  
Morse  
Newton  
Nicholson  
Palmer  
Patterson of Mills  
Patterson  
of Travis

Petsch  
Powell  
Prescott  
Quinn  
Ragsdale  
Reed of Bowie  
Reed of Dallas  
Rhodes  
Roark  
Russell  
Rutta  
Settle  
Sharpe  
Shell  
Simpson  
Skaggs  
Smith  
of Matagorda  
Smith of Tarrant  
Stinson  
Stocks  
Talbert  
Tarwater  
Tennant  
Tennyson  
Thornton  
Vale  
Waggoner  
Walker  
Weldon  
Westbrook  
Winfree  
Wood  
Worley

Absent

Bond	Lankford
Broadfoot	Lucas
Celaya	McFarland
Davis of Jasper	McKinney
Dean	Pope
Fuchs	Reader
Graves	Riddle
Harrell	Ross
Harris of Dickens	Sewell
Hartzog	Stevenson
Kenyon	Thornberry

Absent—Excused

Mann	Schuenemann
McKee	Smith of Hopkins
Oliver	

# SENATE BILL NO. 141 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,

S. B. No. 141, A bill to be entitled "An Act making certain emergency appropriations for the office of the Secretary of State, and declaring an emergency."

The bill was read second time.



Mr. Reed of Dallas offered the following committee amendment to the bill:

Amend Senate Bill No. 141, Section 1 thereof, by striking out the paragraph reading as follows:

"For the use of the Secretary of State in compiling, indexing, printing, binding, and distributing the laws and Journals of the Forty-fifth Legislature—\$10,000.00."

Mr. Thornberry moved to table the amendment by Mr. Reed of Dallas.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—30

Bell	Lankford
Bond	Metcalf
Brown	Morse
Burton	Patterson of Mills
Cathey	Patterson
Cauthorn	of Travis
Cleveland	Petsch
Davis of Jasper	Ragsdale
Dickison	Riddle
Fox	Sewell
Hamilton	Skaggs
Herzik	Smith
Holland	of Matagorda
Johnson of Ellis	Tennant
Jones of Wise	Thornberry
Keefe	Wood

## Nays—87

Adkins	Harris of Archer
Alsup	Harris of Dallas
Amos	Harris of Dickens
Baker	Hartzog
Beckworth	Heflin
Blankenship	Hoskins
Boethel	Howard
Boyer	Huddleston
Bradbury	Hull
Bradford	Hyder
Bridgers	Jackson
Cagle	James
Callan	Johnson
Colquitt	of Tarrant
Davis of Haskell	Jones of Angelina
Davison of Fisher	Jones of Atascosa
Davisson	Jones of Falls
of Eastland	Keith
Deglandon	Kelt
Derden	Kenyon
Dollins	Kern
England	King
Farmer	Knetsch
Fielden	Langdon
Hankamer	Lanning
Hardin	Leyendecker
Harper	Little

Loggins  
London  
Lucas  
Mays  
McConnell  
McCracken  
McDonald  
McFarland  
Moffett  
Monkhouse  
Newton  
Nicholson  
Palmer  
Powell  
Prescott  
Quinn  
Reed of Bowie  
Reed of Dallas

Rhodes  
Russell  
Settle  
Sharpe  
Simpson  
Smith of Tarrant  
Stocks  
Talbert  
Tarwater  
Tennyson  
Thornton  
Vale  
Waggoner  
Walker  
Weldon  
Winfree  
Worley

## Absent

Alexander	Leonard
Bates	Mauritz
Broadfoot	McKinney
Carssow	Morris
Celaya	Pope
Dean	Reader
Felty	Roark
Fuchs	Ross
Gibson	Rutta
Graves	Shell
Hanna	Stevenson
Harbin	Stinson
Harrell	Westbrook
Leath	

## Absent—Excused

Mann	Smith of Hopkins
McKee	Schuenemann
Oliver	

## REASON FOR VOTE

I voted "yea" on the motion to table the committee amendment to Senate Bill No. 141, which strikes out that section with reference to publishing the Acts of the Forty-fifth Legislature. The Session's laws are usually out in a reasonable time after adjournment, and necessarily are in great demand, as all lawyers practically have to have the Acts as soon after adjournment as possible. Private persons are charged a specified price for this publication to take care of expenses.

## HOLLAND.

Question then recurring on the committee amendment, it was adopted.

Senate Bill No. 141 was then passed to third reading.

## SENATE BILL NO. 141 ON THIRD READING

Mr. Reed of Dallas moved that the constitutional rule, requiring bills to

be read on three several days, be suspended, and that Senate Bill No. 141 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—126

Adkins	Johnson of Ellis
Alsup	Johnson
Amos	of Tarrant
Baker	Jones of Angelina
Bates	Jones of Atascosa
Beckworth	Jones of Falls
Bell	Jones of Wise
Blankenship	Keefe
Boethel	Keith
Bond	Kelt
Bradbury	Kern
Bradford	King
Bridgers	Knetsch
Broadfoot	Langdon
Brown	Lankford
Burton	Lanning
Cagle	Leonard
Callan	Leyendecker
Carssow	Little
Cathey	Loggins
Cauthorn	London
Cleveland	Lucas
Colquitt	Mays
Davis of Haskell	McConnell
Davis of Jasper	McCracken
Davison of Fisher	McDonald
Davisson	McFarland
of Eastland	McKee
Dean	McKinney
Deglandon	Metcalfe
Dickison	Moffett
Dollins	Monkhouse
England	Morris
Farmer	Morse
Fielden	Newton
Fox	Nicholson
Gibson	Palmer
Hamilton	Patterson of Mills
Hankamer	Patterson
Hanna	of Travis
Harbin	Petsch
Hardin	Powell
Harper	Prescott
Harrell	Quinn
Harris of Archer	Ragsdale
Harris of Dickens	Reed of Bowie
Hartzog	Reed of Dallas
Heflin	Rhodes
Herzik	Riddle
Hoskins	Roark
Howard	Russell
Huddleston	Settle
Hull	Sewell
Hyder	Sharpe
Jackson	Shell
James	Simpson

Skaggs	Thornberry
Smith	Thornton
of Matagorda	Vale
Smith of Tarrant	Waggoner
Stinson	Walker
Stocks	Weldon
Talbert	Winfree
Tarwater	Wood
Tennant	Worley

## Absent

Alexander	Leath
Boyer	Mauritz
Celaya	Pope
Derden	Reader
Felty	Ross
Fuchs	Rutta
Graves	Stevenson
Harris of Dallas	Tennyson
Holland	Westbrook
Kenyon	

## Absent—Excused

Mann	Smith of Hopkins
Oliver	Schuenemann

The Chair then laid Senate Bill No. 141 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—119

Adkins	England
Alsup	Farmer
Amos	Fielden
Baker	Fox
Bates	Gibson
Beckworth	Hamilton
Bell	Hankamer
Blankenship	Hanna
Boethel	Harbin
Bradbury	Hardin
Bridgers	Harper
Broadfoot	Harris of Archer
Brown	Hartzog
Burton	Heflin
Cagle	Herzik
Callan	Holland
Carssow	Hoskins
Cathey	Howard
Cauthorn	Huddleston
Cleveland	Hull
Colquitt	Hyder
Davis of Haskell	Jackson
Davis of Jasper	James
Davison of Fisher	Johnson of Ellis
Davisson	Johnson
of Eastland	of Tarrant
Dean	Jones of Angelina
Deglandon	Jones of Atascosa
Derden	Jones of Falls
Dickison	Jones of Wise
Dollins	Keefe

Keith	Powell
Kelt	Prescott
Kern	Quinn
King	Ragsdale
Knetsch	Reed of Bowie
Langdon	Reed of Dallas
Lankford	Rhodes
Lanning	Riddle
Leonard	Roark
Leyendecker	Russell
Little	Settle
Loggins	Sewell
London	Shell
Lucas	Simpson
Mays	Skaggs
McConnell	Smith
McCracken	of Matagorda
McDonald	Smith of Tarrant
McFarland	Stocks
McKee	Talbert
Metcalfe	Tennant
Moffett	Thornberry
Monkhouse	Thornton
Morris	Waggoner
Morse	Walker
Newton	Weldon
Nicholson	Westbrook
Palmer	Winfree
Patterson	Wood
of Travis	Worley
Petsch	

## Absent

Alexander	Mauritz
Bond	McKinney
Boyer	Patterson of Mills
Bradford	Pope
Celaya	Reader
Felty	Ross
Fuchs	Rutta
Graves	Sharpe
Harrell	Stevenson
Harris of Dallas	Stinson
Harris of Dickens	Tarwater
Kenyon	Tennyson
Leath	Vale

## Absent—Excused

Mann	Schuenemann
Oliver	Smith of Hopkins

## HOUSE JOINT RESOLUTION NO. 2 WITH SENATE AMENDMENTS

Mr. Stinson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. J. R. No. 2, Proposing an amendment to Article III of the Constitution of the State of Texas, by adding a new Section thereto to be known as Section 48b authorizing the Legislature to establish a system of unemployment insurance, and provid-

ing for the levying of a tax on payrolls for such purpose; and providing for its submission to the voters as required by the Constitution, and making an appropriation therefor.

The Chair laid the resolution before the House with the Senate amendments.

Mr. Stinson moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

## HOUSE JOINT RESOLUTION NO. 23 WITH SENATE AMENDMENTS

Mr. Sharpe called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. J. R. No. 23, Proposing an amendment to the Constitution of the State of Texas to be known as Article VIII, Section 20, providing that ad valorem taxes shall be assessed and levied in such way as to permit the payment during the months of October, November and December of the year for which such taxes are assessed, of certain percentages of the amount that such taxes would be if paid after the expiration of the year and providing that the Legislature shall never remit any interest or penalties; providing for an election on the question of adoption or revocation and making an appropriation therefor; providing for the proclamation and publication thereof; prescribing the form of ballot.

The Chair laid the resolution before the House with the Senate amendments.

On motion of Mr. Sharpe, the House concurred in the Senate amendments by the following vote:

## Yeas—120

Adkins	Brown
Alsup	Burton
Amos	Cagle
Baker	Callan
Bates	Cathey
Beckworth	Cauthorn
Bell	Cleveland
Blankenship	Colquitt
Boethel	Davis of Haskell
Boyer	Davis of Jasper
Bradbury	Davison of Fisher
Bradford	Davisson
Broadfoot	of Eastland

Deglandon	Leyendecker
Derden	Little
Dickison	Loggins
Dollins	London
England	Lucas
Farmer	Mays
Felty	McConnell
Fielden	McCracken
Fox	McDonald
Gibson	McFarland
Hamilton	McKee
Hankamer	McKinney
Hanna	Metcalfe
Harbin	Moffett
Hardin	Morse
Harper	Newton
Harrell	Palmer
Harris of Archer	Patterson of Mills
Harris of Dallas	Patterson
Harris of Dickens	of Travis
Hartzog	Powell
Heflin	Prescott
Herzik	Quinn
Holland	Ragsdale
Hoskins	Reader
Howard	Reed of Bowie
Huddleston	Reed of Dallas
Hull	Rhodes
Hyder	Roark
Jackson	Russell
James	Settle
Johnson of Ellis	Sharpe
Johnson	Simpson
of Tarrant	Smith
Jones of Angelina	of Matagorda
Jones of Atascosa	Smith of Tarrant
Jones of Falls	Stinson
Jones of Wise	Stocks
Keith	Talbert
Kelt	Tarwater
Kenyon	Tennant
Kern	Thornberry
King	Thornton
Knetsch	Vale
Langdon	Waggoner
Lankford	Weldon
Lanning	Winfree
Leath	Wood
Leonard	Worley

## Absent

Alexander	Petsch
Bond	Pope
Bridgers	Riddle
Carssow	Ross
Celaya	Rutta
Dean	Sewell
Fuchs	Shell
Graves	Skaggs
Keefe	Stevenson
Mauritz	Tennyson
Monkhouse	Walker
Morris	Westbrook
Nicholson	

## Absent—Excused

Mann	Schuenemann
Oliver	Smith of Hopkins

Mr. Sharpe moved to reconsider the vote by which the House concurred in Senate amendments to House Joint Resolution No. 23, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 144 ON  
SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,

S. B. No. 144, A bill to be entitled "An Act amending Articles 4925 and 4926, Revised Civil Statutes, 1925, so as to clarify the same by providing that the total recoveries permitted on the bonds therein provided for shall not exceed the face value of the bonds, and declaring an emergency."

The bill was read second time.

Mr. Jones of Wise offered the following amendment to the bill:

Amend Senate Bill No. 144, by inserting on page 2, Section 1, line 4, between the words "force" and "until" the word "impaired."

The amendment was adopted.

Senate Bill No. 144 was then passed to third reading.

SENATE BILL NO. 144 ON THIRD  
READING

Mr. Fox moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 144 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Adkins	Callan
Alsup	Carssow
Amos	Cathey
Bates	Cauthorn
Beckworth	Cleveland
Bell	Colquitt
Blankenship	Davis of Haskell
Boethel	Davis of Jasper
Boyer	Davison of Fisher
Bradbury	Davisson
Bradford	of Eastland
Bridgers	Dean
Broadfoot	Deglandon
Burton	Derden
Cagle	Dickison

Dollins	McConnell
England	McCracken
Farmer	McDonald
Felty	McFarland
Fielden	McKee
Fox	McKinney
Fuchs	Metcalfe
Gibson	Moffett
Hamilton	Monkhouse
Hankamer	Morse
Hanna	Newton
Harbin	Palmer
Hardin	Patterson of Mills
Harrell	Patterson
Harris of Archer	of Travis
Harris of Dallas	Petsch
Harris of Dickens	Powell
Hartzog	Prescott
Heflin	Quinn
Herzik	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Rhodes
Huddleston	Riddle
Hull	Roark
Hyder	Ross
Jackson	Russell
James	Settle
Johnson of Ellis	Sewell
Johnson	Sharpe
of Tarrant	Shell
Jones of Angelina	Simpson
Jones of Falls	Skaggs
Jones of Wise	Smith
Keefe	of Matagorda
Kern	Smith of Tarrant
King	Stinson
Knetsch	Stocks
Langdon	Talbert
Lankford	Tarwater
Lanning	Tennant
Leath	Thornton
Leonard	Vale
Leyendecker	Waggoner
Little	Walker
Loggins	Weldon
London	Westbrook
Lucas	Winfree
Mauritz	Wood
Mays	Worley
Absent	
Alexander	Kenyon
Baker	Morris
Bond	Nicholson
Brown	Pope
Celaya	Ragsdale
Graves	Reader
Harper	Rutta
Holland	Stevenson
Jones of Atascosa	Tennyson
Keith	Thornberry
Kelt	
Absent—Excused	
Mann	Schuenemann
Oliver	Smith of Hopkins

The Chair then laid Senate Bill No. 144 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—118

Adkins	Jones of Wise
Alsup	Keefe
Amos	Kelt
Bates	Kern
Beckworth	King
Bell	Knetsch
Blankenship	Langdon
Boethel	Lankford
Boyer	Lanning
Bradbury	Leath
Bridgers	Leonard
Broadfoot	Leyendecker
Burton	Little
Cagle	London
Callan	Lucas
Carssow	Mauritz
Cathey	Mays
Cauthorn	McConnell
Cleveland	McCracken
Colquitt	McDonald
Davis of Haskell	McFarland
Davis of Jasper	McKee
Davison of Fisher	McKinney
Davisson	Metcalfe
of Eastland	Moffett
Deglandon	Monkhouse
Derden	Morse
Dickison	Newton
England	Palmer
Farmer	Patterson of Mills
Felty	Patterson
Fielden	of Travis
Fox	Petsch
Fuchs	Pope
Gibson	Powell
Hamilton	Prescott
Hankamer	Quinn
Hanna	Reader
Harbin	Reed of Bowie
Hardin	Reed of Dallas
Harris of Archer	Rhodes
Harris of Dallas	Roark
Hartzog	Ross
Heflin	Russell
Herzik	Rutta
Howard	Settle
Huddleston	Sewell
Hull	Sharpe
Hyder	Skaggs
Jackson	Smith
James	of Matagorda
Johnson of Ellis	Smith of Tarrant
Johnson	Stocks
of Tarrant	Talbert
Jones of Angelina	Tarwater
Jones of Atascosa	Tennant
Jones of Falls	Tennyson

Thornton	Weldon
Vale	Westbrook
Waggoner	Winfree
Walker	Worley

Nays—1

Brown

Absent

Alexander	Keith
Baker	Kenyon
Bond	Loggins
Bradford	Morris
Celaya	Nicholson
Dean	Ragsdale
Dollins	Riddle
Graves	Shell
Harper	Simpson
Harrell	Stevenson
Harris of Dickens	Stinson
Holland	Thornberry
Hoskins	Wood

Absent—Excused

Mann	Schuenemann
Oliver	Smith of Hopkins

## MESSAGE FROM THE SENATE

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 309, A bill to be entitled "An Act amending S. B. No. 355, Chapter 338, Regular Session, Acts of the Forty-fourth Legislature, creating the Central Colorado River Authority, and declaring an emergency."

S. B. No. 494, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold by all road districts in counties with a population of not less than twenty-five thousand three hundred forty-four and not more than twenty-five thousand four hundred forty-four people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon a highway which has, since the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

S. B. No. 495, A bill to be entitled "An Act authorizing the appointment of County Highway Patrolmen by the commissioners' courts of counties containing not less than eleven thousand nine hundred eighty (11,980) inhabitants, and not more than twelve thousand one hundred (12,100) inhabitants, according to the last preceding Federal Census, and declaring an emergency."

Concurred in House amendments to Senate Bill No. 336 by the following vote: Yeas, 31; Nays, 0.

Concurred in House amendments to Senate Bill No. 229 by the following vote: Yeas, 31; Nays, 0.

Concurred in House amendments to Senate Bill No. 230 by the following vote: Yeas, 30; Nays, 1.

The Senate has refused to concur in House amendments to Senate Joint Resolution No. 16, and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate:

Senators Moore, Shivers, Pace, Burns and Beck.

The Senate has passed

H. B. No. 55, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes, so as to provide for the payment of salaries of the County Board of Trustees out of the State and County Available School Fund, and declaring an emergency." (With amendment.)

S. B. No. 142, A bill to be entitled "An Act amending Section 36, of H. B. No. 521 of the Regular Session of the Forty-fourth Legislature so as to appropriate all fees collected thereunder for the use of the Secretary of State in enforcing said bill, and declaring an emergency."

S. B. No. 195, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold by all road districts in counties with a population of not less than 17,000 nor more than 21,000, etc., to participate in State Highway Funds, etc., and declaring an emergency."

S. B. No. 311, A bill to be entitled "An Act to amend Article 4860a-6 of Chapter 8a, Title 78, Revised Civil Statutes of Texas, 1925, relating to the kinds of insurance authorized to

be written by mutual insurance companies and to provide that those companies organized under the provisions of Chapter 8a shall be authorized and empowered to write any kinds of insurance which may lawfully be written in this State, except life insurance; repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 424, A bill to be entitled "An Act relating to the compensation of the county judge, sheriff, district attorney or criminal district attorney, as the case may be, the assessor and collector of taxes, county clerk, district clerk, and the county commissioners in all counties having a population in excess of two hundred thousand (200,000) inhabitants and also relating to the compensation of county auditors in all counties having a population in excess, etc., and declaring an emergency."

The Senate has adopted

H. C. R. No. 111, Suspending Section 21 of the Joint Rules of the Legislature for the purpose of taking up and considering House Bill No. 838 at 2 o'clock p. m., April 29, 1937, until same is finally disposed of.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### REQUEST OF SENATE GRANTED

On motion of Mr. Morse, the House granted the request of the Senate for a conference committee on Senate Joint Resolution No. 16, to adjust the differences between the two Houses.

#### SENATE BILL NO. 153 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,

S. B. No. 153, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of Texas, 1925, so as to provide for the election of sixty-two members to the State Executive Committee of any political party, one man and one woman from each senatorial district, and providing for meetings of all party State conventions for this purpose; places and times for meetings; length of sessions; election of chairman; and providing method for filling vacancies, and declaring an emergency."

The bill was read second time, and was passed to third reading.

#### SENATE BILL NO. 153 ON THIRD READING

Mr. Dickison moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 153 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Adkins	Johnson
Alsup	of Tarrant
Amos	Jones of Angelina
Bates	Jones of Atascosa
Beckworth	Jones of Falls
Bell	Jones of Wise
Blankenship	Keefe
Boethel	Kelt
Boyer	Kern
Bradbury	King
Bridgers	Knetsch
Brown	Langdon
Burton	Lankford
Cagle	Lanning
Carssow	Leath
Cathey	Leonard
Cauthorn	Little
Celaya	Loggins
Cleveland	London
Colquitt	Lucas
Davis of Haskell	Mauritz
Davis of Jasper	Mays
Davison of Fisher	McConnell
Davisson	McCracken
of Eastland	McFarland
Derden	McKee
Dickison	McKinney
England	Metcalfe
Farmer	Moffett
Felty	Monkhouse
Fielden	Morris
Fox	Morse
Fuchs	Newton
Gibson	Palmer
Hamilton	Patterson of Mills
Hankamer	Patterson
Hanna	of Travis
Hardin	Powell
Harris of Archer	Prescott
Harris of Dallas	Quinn
Harris of Dickens	Reader
Hartzog	Reed of Bowie
Heflin	Reed of Dallas
Herzik	Rhodes
Holland	Riddle
Hoskins	Roark
Howard	Ross
Huddleston	Russell
Hyder	Rutta
Jackson	Settle
James	Sewell
Johnson of Ellis	Sharpe

Simpson	Thornberry
Skaggs	Thornton
Smith	Vale
of Matagorda	Waggoner
Smith of Tarrant	Walker
Stinson	Weldon
Talbert	Winfree
Tarwater	Wood
Tennant	Worley
Tennyson	

## Nays—8

Broadfoot	Leyendecker
Callan	McDonald
Deglandon	Stocks
Kenyon	Westbrook

## Absent

Alexander	Harrell
Baker	Hull
Bond	Keith
Bradford	Nicholson
Dean	Petsch
Dollins	Pope
Graves	Ragsdale
Harbin	Shell
Harper	Stevenson

## Absent—Excused

Mann	Schuenemann
Oliver	Smith of Hopkins

The Chair then laid Senate Bill No. 153 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—121

Adkins	Derden
Alsup	Dickison
Amos	England
Baker	Farmer
Bates	Fielden
Beckworth	Fox
Bell	Gibson
Blankenship	Hamilton
Boethel	Hankamer
Bond	Hanna
Boyer	Harbin
Bradbury	Hardin
Bridgers	Harper
Brown	Harrell
Burton	Harris of Archer
Cagle	Harris of Dallas
Carssow	Harris of Dickens
Cathey	Hartzog
Cauthorn	Heflin
Celaya	Herzik
Cleveland	Holland
Colquitt	Hoskins
Davis of Haskell	Howard
Davison of Fisher	Huddleston
Dean	Hull

Hyder	Palmer
Jackson	Patterson of Mills
James	Patterson
Johnson of Ellis	of Travis
Johnson	Petsch
of Tarrant	Powell
Jones of Angelina	Prescott
Jones of Atascosa	Quinn
Jones of Falls	Ragsdale
Jones of Wise	Reader
Keefe	Reed of Bowie
Kelt	Reed of Dallas
Kern	Rhodes
King	Riddle
Knetsch	Roark
Langdon	Russell
Lankford	Rutta
Lanning	Settle
Leath	Sewell
Leonard	Simpson
Little	Smith
Loggins	of Matagorda
London	Smith of Tarrant
Lucas	Stinson
Mauritz	Talbert
Mays	Tarwater
McConnell	Tennant
McCracken	Tennyson
McDonald	Thornberry
McFarland	Thornton
McKee	Vale
McKinney	Waggoner
Moffett	Walker
Monkhouse	Weldon
Morris	Winfree
Morse	Wood
Newton	Worley

## Nays—10

Broadfoot	Leyendecker
Callan	Ross
Deglandon	Sharpe
Fuchs	Stocks
Kenyon	Westbrook

## Present—Not Voting

Skaggs

## Absent

Alexander	Graves
Bradford	Keith
Davis of Jasper	Metcalf
Davisson	Nicholson
of Eastland	Pope
Dollins	Shell
Felty	Stevenson

## Absent—Excused

Mann	Schuenemann
Oliver	Smith of Hopkins

Mr. Dickison moved to reconsider the vote by which Senate Bill No. 153 was passed, and to table the motion to reconsider.

The motion to table prevailed.



### HOUSE BILL NO. 291 WITH SENATE AMENDMENTS

Mr. Cagle called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 291, A bill to be entitled "An Act to amend Chapter 83, Senate Bill No. 179, of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, by amending Section 4 of said Act by adding, at the end of such Section the following: 'Provided, that any person who has to his credit in any standard college or university of Texas as much as six (6) hours of Government, shall be deemed to have met the requirements of this Section', and declaring an emergency."

The Chair laid the bill before the House with the Senate amendments.

On motion of Mr. Cagle, the House concurred in the Senate amendments.

### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 142, to the Committee on Appropriations.

Senate Bill No. 494, to the Committee on Highways and Motor Traffic.

Senate Bill No. 309, to the Committee on Conservation and Reclamation.

Senate Bill No. 424, to the Committee on Counties.

Senate Bill No. 311, to the Committee on Insurance.

Senate Bill No. 195, to the Committee on Highways and Motor Traffic.

Senate Bill No. 495, to the Committee on Counties.

### HOUSE BILL NO. 774 WITH SENATE AMENDMENTS

Mr. Celaya called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 774, A bill to be entitled "An Act amending certain sections of Senate Bill No. 146 passed by the Regular Session of the Forty-fourth

Legislature of the State of Texas, to-wit: Sections 5, 8, 11, 12, 15, 16, 17, and 23; providing for the Public Safety Commission to appoint a Director and an Assistant Director whose salaries shall be fixed by the Legislature; providing for the Director with the advice and consent of the Commission to appoint Chiefs of the several bureaus; providing for Texas Ranger captains, headquarters sergeant, and privates; providing that the Texas Highway Patrol Division shall consist of the Chief Patrol Officer, captains, sergeants, and privates as may be authorized by the Legislature, and such administrative and clerical help as determined by the Commission; providing for the Director with the advice and consent of the Commission, to name the Chief of the Bureau of Communications; . . . etc., and creating an emergency."

The Chair laid the bill before the House with the Senate amendments.

Mr. Celaya moved that the House concur in the Senate amendments.

Mr. Petsch moved, as a substitute motion, that the House do not concur in the Senate amendments to House Bill No. 774, and that a conference committee be requested.

Mr. Celaya moved to table the motion by Mr. Petsch.

Question recurring on the motion to table, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—21

Blankenship	Johnson
Boyer	of Tarrant
Callan	Kenyon
Celaya	Leonard
Davison of Fisher	Leyendecker
Farmer	Little
Felty	McCracken
Gibson	Morse
Harbin	Sewell
Harris of Dallas	Thornton
Howard	Vale

Nays—106

Adkins	Bradford
Alsup	Bridgers
Amos	Broadfoot
Baker	Brown
Bates	Burton
Beckworth	Cagle
Bell	Carssow
Boethel	Cathey
Bradbury	Cauthorn

Cleveland	Mays
Colquitt	McConnell
Davis of Haskell	McDonald
Davis of Jasper	McFarland
Davisson	McKee
of Eastland	McKinney
Dean	Metcalfe
Deglandon	Moffett
Derden	Monkhouse
Dickison	Morris
England	Newton
Fielden	Nicholson
Fox	Patterson of Mills
Hamilton	Patterson
Hankamer	of Travis
Hanna	Petsch
Hardin	Quinn
Harper	Ragsdale
Harrell	Reader
Harris of Archer	Reed of Bowie
Harris of Dickens	Reed of Dallas
Heflin	Rhodes
Herzik	Riddle
Holland	Roark
Huddleston	Ross
Hyder	Russell
Jackson	Rutta
James	Settle
Johnson of Ellis	Sharpe
Jones of Angelina	Simpson
Jones of Atascosa	Skaggs
Jones of Falls	Smith
Jones of Wise	of Matagorda
Keefe	Smith of Tarrant
Keith	Stocks
Kelt	Talbert
Kern	Tennant
King	Tennyson
Knetsch	Thornberry
Langdon	Waggoner
Lankford	Walker
Lanning	Weldon
Loggins	Westbrook
London	Winfree
Lucas	Wood
Mauritz	

## Absent

Alexander	Palmer
Bond	Pope
Dollins	Powell
Fuchs	Prescott
Graves	Shell
Hartzog	Stevenson
Hoskins	Stinson
Hull	Tarwater
Leath	Worley

## Absent—Excused

Mann	Schuenemann
Oliver	Smith of Hopkins

Question then recurring on the motion by Mr. Petsch, it prevailed.

Mr. Metcalfe moved that the conference committee be instructed to

reject the amendment offered by the Senate.

The motion prevailed.

### HOUSE BILL NO. 975 WITH SENATE AMENDMENTS

Mr. Tarwater called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 975, A bill to be entitled "An Act making an emergency appropriation of Five Hundred Three Thousand Two Hundred Seventy-eight and 02/100 (\$503,278.02) Dollars out of the General Revenue Fund of the State of Texas for certain State Departments, State Eleemosynary Institutions and certain State Educational Institutions; designating the purpose for which said funds are to be used; providing that said funds are to be available immediately, and declaring an emergency."

The Chair laid the bill before the House with the Senate amendments.

On motion of Mr. Tarwater, the House concurred in the Senate amendments by the following vote:

## Yeas—122

Adkins	Felty
Alexander	Fielden
Alsup	Fox
Amos	Gibson
Baker	Hamilton
Bates	Hankamer
Bell	Hanna
Blankenship	Hardin
Boethel	Harper
Boyer	Harrell
Bradbury	Harris of Archer
Bradford	Harris of Dallas
Bridgers	Harris of Dickens
Broadfoot	Hartzog
Brown	Heflin
Burton	Herzik
Cagle	Holland
Callan	Hoskins
Cathey	Howard
Cauthorn	Huddleston
Cleveland	Hyder
Colquitt	Jackson
Davis of Jasper	James
Davison of Fisher	Johnson of Ellis
Davisson	Johnson
of Eastland	of Tarrant
Dean	Jones of Angelina
Deglandon	Jones of Atascosa
Derden	Jones of Falls
Dickison	Jones of Wise
England	Keefe
Farmer	Keith

Kelt	Ragsdale	
Kenyon	Reader	
Kern	Reed of Bowie	
King	Reed of Dallas	
Langdon	Rhodes	
Lankford	Riddle	
Lanning	Roark	
Leonard	Ross	
Leyendecker	Russell	
Little	Rutta	
Loggins	Settle	
London	Sewell	
Lucas	Sharpe	
Mauritz	Simpson	
Mays	Skaggs	
McConnell	Smith	
McDonald	of Matagorda	
McFarland	Stinson	
McKee	Talbert	
McKinney	Tarwater	
Moffett	Tennant	
Morris	Tennyson	
Morse	Thornberry	
Newton	Thornton	
Palmer	Vale	
Patterson of Mills	Waggoner	
Patterson	Walker	
of Travis	Weldon	
Petsch	Westbrook	
Powell	Winfree	
Quinn	Worley	
Nays—2		
Knetsch	Wood	
Absent		
Beckworth	McCracken	
Bond	Metcalf	
Carssow	Monkhouse	
Celaya	Nicholson	
Davis of Haskell	Pope	
Dollins	Prescott	
Fuchs	Shell	
Graves	Smith of Tarrant	
Harbin	Stevenson	
Hull	Stocks	
Leath	Absent—Excused	
Mann	Schuenemann	
Oliver	Smith of Hopkins	

Mr. Tarwater moved to reconsider the vote by which the House concurred in the Senate amendments, and to table the motion to reconsider.

The motion to table prevailed.

#### SENATE BILL NO. 386 ON SECOND READING

The Chair laid before the House, on its second reading and passage to third reading,

S. B. No. 386, A bill to be entitled "An Act creating the Panhandle

Water Conservation Authority as a body politic and corporate, defining its boundaries, specifying its powers and duties, providing for its officers and the amount and manner of compensating same and their duties and powers; providing for the diversion of certain State ad valorem taxes, and declaring an emergency."

The bill was read second time, and was passed to third reading.

#### SENATE BILL NO. 386 ON THIRD READING

Mr. Little moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 386 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—123

Adkins	Harris of Archer
Alexander	Harris of Dallas
Alsup	Harris of Dickens
Amos	Hartzog
Bates	Heflin
Beckworth	Herzik
Bell	Holland
Blankenship	Hoskins
Boethel	Howard
Boyer	Huddleston
Bradbury	Hull
Bradford	Hyder
Bridgers	Jackson
Broadfoot	James
Burton	Johnson of Ellis
Cagle	Johnson
Callan	of Tarrant
Carssow	Jones of Angelina
Cathey	Jones of Atascosa
Cauthorn	Jones of Falls
Cleveland	Jones of Wise
Davis of Jasper	Keefe
Davison of Fisher	Kelt
Dean	Kenyon
Deglandon	Kern
Derden	King
Dickison	Knetsch
England	Langdon
Farmer	Lanning
Felty	Leonard
Fielden	Little
Fox	Loggins
Gibson	London
Hamilton	Lucas
Hankamer	Mays
Hanna	McConnell
Harbin	McDonald
Hardin	McFarland
Harper	McKee
Harrell	McKinney

Moffett	Sewell	Boethel	Lanning
Monkhouse	Sharpe	Bond	Leath
Morris	Simpson	Boyer	Leonard
Morse	Skaggs	Bradbury	Little
Newton	Smith	Bradford	Loggins
Palmer	of Matagorda	Bridgers	London
Patterson of Mills	Stevenson	Broadfoot	Lucas
Patterson	Stinson	Brown	Mays
of Travis	Stocks	Burton	McConnell
Petsch	Talbert	Callan	McDonald
Pope	Tarwater	Carssow	McFarland
Powell	Tennant	Cathey	McKee
Quinn	Tennyson	Cauthorn	McKinney
Ragsdale	Thornberry	Cleveland	Metcalfe
Reader	Thornton	Colquitt	Moffett
Reed of Bowie	Vale	Davis of Jasper	Monkhouse
Reed of Dallas	Waggoner	Davison of Fisher	Morris
Rhodes	Walker	Davison	Morse
Riddle	Weldon	of Eastland	Newton
Roark	Westbrook	Dean	Nicholson
Russell	Winfree	Deglandon	Palmer
Rutta	Wood	Derden	Patterson of Mills
Settle	Worley	Dickison	Patterson
		Farmer	of Travis
	Nays—2	Felty	Petsch
Colquitt	Lankford	Fielden	Pope
	Absent	Fox	Powell
Baker	Leath	Gibson	Ragsdale
Bond	Leyendecker	Hamilton	Reader
Brown	Mauritz	Hankamer	Reed of Bowie
Celaya	McCracken	Hanna	Reed of Dallas
Davis of Haskell	Metcalfe	Harbin	Rhodes
Davison	Nicholson	Hardin	Riddle
of Eastland	Prescott	Harper	Roark
Dollins	Ross	Harrell	Ross
Fuchs	Shell	Harris of Archer	Russell
Graves	Smith of Tarrant	Harris of Dallas	Rutta
Keith		Harris of Dickens	Settle
	Absent—Excused	Hartzog	Sewell
Mann	Schuenemann	Heflin	Sharpe
Oliver	Smith of Hopkins	Herzik	Simpson
		Holland	Skaggs
		Hoskins	Smith
		Howard	of Matagorda
		Huddleston	Smith of Tarrant
		Hull	Stevenson
		Hyder	Stinson
		Jackson	Stocks
		James	Talbert
		Johnson of Ellis	Tarwater
		Johnson	Tennant
		of Tarrant	Tennyson
		Jones of Angelina	Thornberry
		Jones of Falls	Thornton
		Jones of Wise	Vale
		Keefe	Waggoner
		Kelt	Walker
		Kenyon	Weldon
		Kern	Westbrook
		King	Winfree
		Knetsch	Wood
		Langdon	Worley
			Nays—1
Adkins	Baker		
Alexander	Bates		
Alsup	Beckworth		
Amos	Blankenship	Lankford	

The Chair then laid Senate Bill No. 386 before the House on third reading and final passage.

The bill was read third time.

Mr. Alexander offered the following amendment to the bill:

Amend Senate Bill No. 386, by adding in Section 1, the words "Childress, Motley, Lamb and Bailey."

ALEXANDER,  
TARWATER.

The amendment was adopted.

Senate Bill No. 386 was then passed by the following vote:

Yeas—128

Adkins  
Alexander  
Alsup  
Amos

Baker  
Bates  
Beckworth  
Blankenship

Lankford

## Absent

Bell	Jones of Atascosa
Cagle	Keith
Celaya	Leyendecker
Davis of Haskell	Mauritz
Dollins	McCracken
England	Prescott
Fuchs	Quinn
Graves	Shell

## Absent—Excused

Mann	Schuenemann
Oliver	Smith of Hopkins

Mr. Boyer moved to reconsider the vote by which Senate Bill No. 386 was passed, and to table the motion to reconsider.

The motion to table prevailed.

**SENATE BILL NO. 164 ON  
SECOND READING**

The Chair laid before the House, on its second reading and passage to third reading,

S. B. No. 164, A bill to be entitled "An Act to amend Articles 5483 and 5486, Chapter 5, Title 90, of Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time.

Question—Shall Senate Bill No. 164 pass to third reading?

**SENATE BILL NO. 407 ON  
SECOND READING**

The Chair laid before the House, on its second reading and passage to third reading,

S. B. No. 407, A bill to be entitled "An Act authorizing the Railroad Commission of Texas to promulgate rules, regulations and orders to prevent or lessen drainage from any developed property caused or threatened by the production of gas from any gas well in any common reservoir in this State, and to prevent or lessen the drainage of gas as between different zones in such common reservoirs; authorizing the Railroad Commission to restrict and regulate the production of gas from wells and zones to prevent or lessen drainage; authorizing the Railroad Commission to issue all rules, regulations and orders necessary to enforce the law; authorizing zoning of any common reservoir; defining terms; prescribing the minimum limits to which the production of any well may be restricted; prohibiting production in excess of the amount fixed by the Railroad Commission; providing for

cumulative production; prescribing penalties and suits for their collection; providing for injunctions to restrain violations; providing for suits to test the validity of any rules, regulations and orders; repealing all laws in conflict with this Act, and declaring an emergency."

The bill was read second time.

Mr. Worley offered the following committee amendment to the bill:

Amend Senate Bill No. 407, Section 2, by striking out beginning with the word "provided" in line 11 through and including line 26.

Question—Shall the committee amendment be adopted?

**CONFERENCE COMMITTEE AP-  
POINTED**

The Speaker announced the appointment of the following conference committee, on the part of the House, on House Joint Resolution No. 2: Messrs. Stinson, Moffett, Alexander, Gibson and Leonard.

**RECESS**

Mr. Bradbury moved that the House recess until 2:00 o'clock p. m., today.

Mr. Hanna moved that the House recess until 2:30 o'clock p. m., today.

Question first recurring on the motion by Mr. Bradbury, it was lost.

Question next recurring on the motion to recess until 2:30 o'clock p. m., it prevailed, and the House, accordingly, at 12:20 o'clock p. m., took recess until 2:30 o'clock p. m., today.

**AFTERNOON SESSION**

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

**RECALLING HOUSE BILL NO. 1016  
FROM THE SENATE**

Mr. Rutta offered the following resolution:

H. C. R. No. 112, Recalling House Bill No. 1016 from the Senate.

Whereas, House Bill No. 1016 finally passed the House Tuesday night, April 27th by a viva voce vote; and

Whereas, Said bill is an emergency measure; and

Whereas, Said bill is now in the Senate; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That said House Bill No. 1016 be returned

to the House for the purpose of obtaining a record vote on the same.

RUTTA,  
BROWN,  
HANKAMER.

The resolution was read second time, and was adopted.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 318, A bill to be entitled "An Act regulating the taking of fish and shrimp in the tidal waters of this State, and declaring an emergency."

S. B. No. 466, A bill to be entitled "An Act to authorize the exclusion of certain territory from any fresh water supply district before the issuance of bonds and levy of taxes, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### TO PROVIDE FOR THE CONSIDERATION OF HOUSE BILL NO. 134

Mr. Tennyson offered the following resolution:

H. C. R. No. 113, To provide for the consideration of House Bill No. 134.

Whereas, Joint Rules of the House and Senate have heretofore been suspended for the consideration of certain House bills on Thursday, April 29, 1937; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the House of Representatives be granted permission to also consider at said session House Bill No. 134, and for this purpose Section 21 of the Joint Rules is hereby suspended.

TENNYSON,  
HARRIS of Archer.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 73; nays, 36.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—74

Adkins

Alsup

Amos  
Baker  
Bates  
Beckworth  
Bell  
Boethel  
Bradbury  
Bridgers  
Burton  
Cagle  
Callan  
Cauthorn  
Cleveland  
Davis of Jasper  
Davison of Fisher  
Davison  
of Eastland  
England  
Feltz  
Fielden  
Fox  
Fuchs  
Graves  
Hamilton  
Harbin  
Hardin  
Harper  
Harris of Archer  
Heflin  
Herzik  
Holland  
Jones of Angelina  
Jones of Wise  
Keefe  
Kelt  
Kern  
King  
Lankford

Lanning  
Loggins  
London  
Lucas  
Mauritz  
Mays  
McConnell  
McDonald  
Moffett  
Morris  
Newton  
Patterson of Mills  
Patterson  
of Travis  
Quinn  
Ragsdale  
Reader  
Rhodes  
Roark  
Ross  
Russell  
Rutta  
Sharpe  
Simpson  
Skaggs  
Smith  
of Matagorda  
Stocks  
Talbert  
Tarwater  
Tennant  
Tennyson  
Thornberry  
Walker  
Weldon  
Westbrook  
Winfree

#### Nays—39

Bond  
Broadfoot  
Carssow  
Cathey  
Dean  
Deglandon  
Derden  
Dickison  
Farmer  
Hankamer  
Hanna  
Harris of Dallas  
Hoskins  
Howard  
Hull  
Hyder  
Jackson  
James  
Johnson of Ellis  
Jones of Atascosa

Keith  
Kenyon  
Knetsch  
Langdon  
Leonard  
Little  
McCracken  
McKee  
McKinney  
Morse  
Powell  
Reed of Bowie  
Reed of Dallas  
Riddle  
Settle  
Smith of Tarrant  
Stinson  
Thornton  
Waggoner

#### Absent

Alexander  
Blankenship  
Boyer  
Bradford

Brown  
Celaya  
Colquitt  
Davis of Haskell

Dollins	Monkhouse
Gibson	Nicholson
Harrell	Palmer
Harris of Dickens	Petsch
Hartzog	Pope
Huddleston	Prescott
Johnson	Sewell
of Tarrant	Shell
Leath	Stevenson
Leyendecker	Vale
McFarland	Wood
Metcalfe	Worley
Absent—Excused	
Jones of Falls	Schuenemann
Mann	Smith of Hopkins
Oliver	

The Speaker announced that the resolution was lost (not receiving the necessary two-thirds vote).

#### HOUSE BILL NO. 55 WITH SENATE AMENDMENTS

Mr. Alsup called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 55, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes, so as to provide for the payment of salaries of the County Board of Trustees out of the State and County Available School Fund, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. Alsup moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### SENATE BILL NO. 435 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 435, A bill to be entitled "An Act making an appropriation of \$10,000 to be used by the Attorney General for the purpose of paying costs and expenses in prosecuting the suit of the State of Texas for recovery of transfer, succession or inheritance tax against the estate of Edward H. R. Green, under the provisions of Chapter 5, Title 122, Revised Civil Statutes of Texas, 1925, as amended, and declaring an emergency."

The bill was read second time, and was passed to third reading.

#### SENATE BILL NO. 435 ON THIRD READING

Mr. Fox moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 435 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126

Adkins	Jackson
Alsup	James
Amos	Johnson of Ellis
Baker	Johnson
Bates	of Tarrant
Beckworth	Jones of Angelina
Reil	Jones of Atascosa
Blankenship	Jones of Wise
Boethel	Keefe
Bond	Keith
Boyer	Kenyon
Bradbury	Kern
Bradford	King
Bridgers	Knetsch
Broadfoot	Langdon
Brown	Lankford
Burton	Lanning
Callan	Leath
Carssow	Leonard
Cauthorn	Leyendecker
Celaya	Little
Cleveland	Loggins
Colquitt	London
Davis of Haskell	Lucas
Davis of Jasper	Mauritz
Davison of Fisher	Mays
Davisson	McConnell
of Eastland	McCracken
Dean	McDonald
Deglandon	McFarland
Derden	McKee
Dickison	McKinney
Farmer	Metcalfe
Felty	Moffett
Fielden	Morris
Fox	Morse
Gibson	Newton
Graves	Palmer
Hamilton	Patterson of Mills
Hankamer	Patterson
Harbin	of Travis
Harper	Petsch
Harris of Archer	Powell
Harris of Dallas	Quinn
Harris of Dickens	Ragsdale
Hartzog	Reader
Heflin	Reed of Bowie
Herzik	Reed of Dallas
Holland	Rhodes
Hoskins	Riddle
Howard	Roark
Huddleston	Ross
Hull	Rutta
Hyder	Settle

Sewell	Tennant
Sharpe	Tennyson
Shell	Thornberry
Simpson	Thornton
Skaggs	Vale
Smith	Waggoner
of Matagorda	Walker
Smith of Tarrant	Weldon
Stocks	Winfree
Talbert	Wood
Tarwater	Worley

Nays—3

Hardin	Russell
Prescott	

Absent

Alexander	Harrell
Cagle	Kelt
Cathey	Monkhouse
Dollins	Nicholson
England	Pope
Fuchs	Stevenson
Hanna	Stinson

Absent—Excused

Jones of Falls	Schuenemann
Mann	Smith of Hopkins
Oliver	Westbrook

The Speaker then laid Senate Bill No. 435 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—130

Adkins	Dean
Alsup	Deglandon
Amos	Derden
Baker	Dickison
Bates	Dollins
Beckworth	England
Bell	Farmer
Blankenship	Felty
Boethel	Fielden
Bond	Fox
Boyer	Gibson
Bradbury	Graves
Bradford	Hamilton
Bridgers	Hankamer
Broadfoot	Harbin
Brown	Harper
Burton	Harrell
Callan	Harris of Archer
Carsow	Harris of Dallas
Cauthorn	Harris of Dickens
Celaya	Heflin
Cleveland	Herzik
Colquitt	Holland
Davis of Haskell	Howard
Davis of Jasper	Huddleston
Davison of Fisher	Hull
Davisson	Jackson
of Eastland	James

Johnson of Ellis	Petsch
Johnson	Pope
of Tarrant	Powell
Jones of Angelina	Quinn
Jones of Atascosa	Ragsdale
Jones of Falls	Reader
Jones of Wise	Reed of Bowie
Keefe	Reed of Dallas
Keith	Rhodes
Kenyon	Riddle
Kern	Roark
King	Ross
Knetsch	Russell
Lankford	Rutta
Lanning	Settle
Leath	Sewell
Leonard	Sharpe
Leyendecker	Shell
Little	Simpson
Loggins	Skaggs
London	Smith of Hopkins
Lucas	Smith
Mauritz	of Matagorda
Mays	Smith of Tarrant
McConnell	Stocks
McCracken	Talbert
McDonald	Tarwater
McFarland	Tennant
McKee	Tennyson
McKinney	Thornberry
Metcalfe	Vale
Moffett	Waggoner
Monkhouse	Walker
Morris	Weldon
Morse	Westbrook
Newton	Winfree
Palmer	Wood
Patterson of Mills	Worley
Patterson	
of Travis	

Nays—2

Hardin	Prescott
--------	----------

Absent

Alexander	Hyder
Cagle	Kelt
Cathey	Langdon
Fuchs	Nicholson
Hanna	Stevenson
Hartzog	Stinson
Hoskins	Thornton

Absent—Excused

Mann	Schuenemann
Oliver	

## LEAVE OF ABSENCE GRANTED

(By unanimous consent.)

Mr. Jones of Falls was granted leave of absence for this afternoon, on account of illness in his family, on motion of Mr. Adkins.



HOUSE BILL NO. 838 ON SECOND  
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 838, A bill to be entitled "An Act providing for and fixing the salaries of the members of the Judiciary of the State of Texas and making appropriations therefor; and making appropriations for the support and maintenance of the Judicial Department of the State of Texas for the two (2) years beginning September 1, 1937, and ending August 31, 1939; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; amending Section 1 of House Bill No. 280, Chapter 148, Acts of the Regular Session of the Forty-third Legislature; repealing all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion, and declaring an emergency."

The bill was read second time.

Mr. Graves offered the following committee amendment to the bill:

Amend House Bill No. 838, by striking out all of said bill after the enacting clause and insert in lieu thereof the following:

Section 1. From and after August 31, 1937, the Judges of the Supreme Court and the Judges of the Court of Criminal Appeals of this State shall each be paid an annual salary

of Six Thousand, Five Hundred (\$6,500.00) Dollars, payable in equal monthly installments; Judges of the Supreme Court Commission of Appeals and Judges of the Commission in Aid of the Court of Criminal Appeals, shall each be paid an annual salary of Five Thousand, Seven Hundred (\$5,700.00) Dollars, payable in equal monthly installments; Judges of the several Courts of Civil Appeals of this State shall each be paid an annual salary of Five Thousand, Four Hundred (\$5,400.00) Dollars, payable in equal monthly installments; Judges of the District Courts and Judges of the Criminal District Courts of this State shall each be paid an annual salary of Five Thousand (\$5,000.00) Dollars, payable in equal monthly installments.

Sec. 2. The salaries of the District Attorneys of the State of Texas, the State's Attorney before the Court of Criminal Appeals, the Clerks of the Supreme Court, Court of Criminal Appeals and Court of Civil Appeals and the salaries of the other officers and employees of the Supreme Court of the State of Texas, the Court of Criminal Appeals and the Court of Civil Appeals, shall be as fixed hereinafter in this Act and as shall be determined by the Legislature in its various appropriation Acts for the support of the Judiciary of this State.

Sec. 3. That the several sums of money herein specified, or so much thereof as may be necessary, are hereby appropriated, out of any moneys in the State Treasury, not otherwise appropriated, for the purposes herein indicated, as follows:

## COURT OF CIVIL APPEALS

First District, Galveston, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three Judges at \$5,400 each per year.....	\$16,200.00	\$16,200.00
2. Salary of Clerk .....	3,600.00	3,600.00
3. Salary of Deputy Clerk .....	1,800.00	1,800.00
4. Salary of Stenographer .....	1,620.00	1,620.00
5. Salary of Porter .....	684.00	684.00
6. Books for library .....	625.00	625.00
7. Fuel, lights, water, equipment, maintenance, and contingent expenses .....	720.00	720.00
Total.....	\$25,249.00	\$25,249.00

## COURT OF CIVIL APPEALS

Second District, Fort Worth, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three Judges at \$5,400 each per year	\$16,200.00	\$16,200.00
2. Salary of Clerk	3,600.00	3,600.00
3. Salary of Deputy Clerk	1,800.00	1,800.00
4. Salary of Stenographer	1,620.00	1,620.00
5. Salary of Porter	684.00	684.00
6. Books for library	1,625.00	625.00
7. Fuel, lights, water, equipment, maintenance, and contingent expenses	720.00	720.00
Total	\$26,249.00	\$25,249.00

## COURT OF CIVIL APPEALS

Third District, Austin, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three Judges at \$5,400 each per year	\$16,200.00	\$16,200.00
2. Salary of Clerk	3,600.00	3,600.00
3. Salary of Deputy Clerk	1,800.00	1,800.00
4. Salary of Stenographer	1,620.00	1,620.00
5. Salary of Porter	684.00	684.00
6. Books for library	400.00	400.00
7. Fuel, lights, water, equipment, maintenance, and contingent expenses	1,000.00	600.00
8. Covering consultation room	200.00	
Total	\$25,504.00	\$24,904.00

## COURT OF CIVIL APPEALS

Fourth District, San Antonio, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three Judges at \$5,400 each per year	\$16,200.00	\$16,200.00
2. Salary of Clerk	3,600.00	3,600.00
3. Salary of Deputy Clerk	1,800.00	1,800.00
4. Salary of Stenographer	1,620.00	1,620.00
5. Salary of Porter	684.00	684.00
6. Books for library	625.00	625.00
7. Fuel, lights, water, equipment, maintenance, and contingent expenses	720.00	720.00
Total	\$25,249.00	\$25,249.00

## COURT OF CIVIL APPEALS

Fifth District, Dallas, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three Judges at \$5,400 each per year	\$16,200.00	\$16,200.00
2. Salary of Clerk	3,600.00	3,600.00
3. Salary of Deputy Clerk	1,800.00	1,800.00
4. Salary of Stenographer	1,620.00	1,620.00
5. Salary of Porter	684.00	684.00
6. Books for library	625.00	625.00
7. Fuel, lights, water, equipment, maintenance, and contingent expenses	600.00	600.00
Total	\$25,129.00	\$25,129.00

## COURT OF CIVIL APPEALS

Sixth District, Texarkana, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three Judges at \$5,400 each per year	\$16,200.00	\$16,200.00
2. Salary of Clerk	3,600.00	3,600.00
3. Salary of Deputy Clerk	1,800.00	1,800.00
4. Salary of Stenographer	1,620.00	1,620.00
5. Salary of Porter	684.00	684.00
6. Books for library	625.00	625.00
7. Fuel, lights, water, equipment, maintenance, and contingent expenses	720.00	720.00
Total	\$25,249.00	\$25,249.00

## COURT OF CIVIL APPEALS

Seventh District, Amarillo, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three Judges at \$5,400 each per year	\$16,200.00	\$16,200.00
2. Salary of Clerk	3,600.00	3,600.00
3. Salary of Deputy Clerk	1,800.00	1,800.00
4. Salary of Stenographer	1,620.00	1,620.00
5. Salary of Porter	720.00	720.00
6. Books for library	625.00	625.00
7. Fuel, lights, water, equipment, maintenance, and contingent expenses	700.00	700.00
Total	\$25,265.00	\$25,265.00

## COURT OF CIVIL APPEALS

Eighth District, El Paso, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three Judges at \$5,400 each per year	\$16,200.00	\$16,200.00
2. Salary of Clerk	3,600.00	3,600.00

3. Salary of Deputy Clerk .....	1,800.00	1,800.00
4. Salary of Stenographer .....	1,620.00	1,620.00
5. Salary of Porter .....	720.00	720.00
6. Books for library .....	625.00	625.00
7. Fuel, lights, water, equipment, maintenance, and contingent expenses .....	800.00	800.00
Total .....	\$25,365.00	\$25,365.00

COURT OF CIVIL APPEALS  
Ninth District, Beaumont, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three Judges at \$5,400 each per year...	\$16,200.00	\$16,200.00
2. Salary of Clerk .....	3,600.00	3,600.00
3. Salary of Deputy Clerk .....	1,800.00	1,800.00
4. Salary of Stenographer .....	1,620.00	1,620.00
5. Salary of Porter .....	684.00	684.00
6. Books for library .....	625.00	625.00
7. Fuel, lights, water, equipment, maintenance, and contingent expenses .....	550.00	550.00
Total .....	\$25,079.00	\$25,079.00

COURT OF CIVIL APPEALS  
Tenth District, Waco, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three Judges at \$5,400 each per year...	\$16,200.00	\$16,200.00
2. Salary of Clerk .....	3,600.00	3,600.00
3. Salary of Deputy Clerk .....	1,800.00	1,800.00
4. Salary of Stenographer .....	1,620.00	1,620.00
5. Salary of Porter .....	684.00	684.00
6. Books for library .....	625.00	625.00
7. Fuel, lights, water, equipment, maintenance, and contingent expenses .....	600.00	600.00
Total .....	\$25,129.00	\$25,129.00

COURT OF CIVIL APPEALS  
Eleventh District, Eastland, Texas

	For the Years Ending	
	August 31, 1938	August 31, 1939
1. Salaries of three Judges at \$5,400 each per year...	\$16,200.00	\$16,200.00
2. Salary of Clerk .....	3,600.00	3,600.00
3. Salary of Deputy Clerk .....	1,800.00	1,800.00
4. Salary of Stenographer .....	1,620.00	1,620.00
5. Salary of Porter .....	684.00	684.00
6. Books for library .....	625.00	625.00

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7. Fuel, lights, water, equipment, maintenance, and contingent expenses .....	925.00	700.00
Total .....	\$25,454.00	\$25,229.00

## SUPREME COURT AND SUPREME COURT COMMISSION OF APPEALS, SECTIONS A AND B

	For the Years Ending August 31, August 31, 1938 1939	
1. Salaries of three Judges of Supreme Court at \$6,500 each per year .....	\$19,500.00	\$19,500.00
2. Salaries of six Judges of Supreme Court Commission of Appeals, sections A and B at \$5,700 each per year .....	34,200.00	34,200.00
3. Salary of Clerk of Supreme Court, including salary for services to Commission of Appeals .....	4,800.00	4,800.00
4. Salary of Reporter .....	3,600.00	3,600.00
5. Salaries of briefing clerks and of law clerk-secretaries, (one at \$2,400, one at \$2,100, one at \$1,800) for Supreme Court .....	6,300.00	6,300.00
6. Salaries of law clerk-secretaries of Commission of Appeals at \$1,620 per year .....	6,480.00	6,480.00
7. Salary of marshal and assistant librarian .....	1,800.00	1,800.00
8. Salaries of three porters at \$684 each per year .....	2,052.00	2,052.00
9. Salary of chief deputy clerk .....	2,100.00	2,100.00
10. Salaries of two deputy clerks .....	4,200.00	4,200.00
11. Salary of one deputy clerk who shall also act as Secretary to the Board of Legal Examiners .....	3,300.00	3,300.00
12. Salary of one deputy clerk and assistant secretary to Board of Legal Examiners .....	1,500.00	1,500.00
13. Equipment, books, repairs, maintenance, and contingent expenses .....	5,000.00	5,000.00
Total .....	\$94,832.00	\$94,832.00

## COURT OF CRIMINAL APPEALS AND COMMISSION IN AID OF COURT OF CRIMINAL APPEALS

	For the Years Ending August 31, August 31, 1938 1939	
1. Salaries of three Judges at \$6,500 each per year .....	\$19,500.00	\$19,500.00
2. Salaries of two Judges of Commission in Aid of Court of Criminal Appeals at \$5,700 each per year .....	11,400.00	11,400.00
3. Salary of Clerk .....	4,000.00	4,000.00
4. Salary of bailiff and secretary .....	2,160.00	2,160.00
5. Salaries of two briefing clerks and of two law clerk-secretaries, who also do legal research work for the Court of Criminal Appeals and the Commission in aid of the Court; salaries of briefing clerks not to exceed \$2,160 each per year and of law clerk-secretaries not to exceed \$1,650 each per year .....	7,620.00	7,620.00

6. Salary of court reporter.....	3,600.00	3,600.00
7. Salary of secretary to reporter.....	1,500.00	1,500.00
8. Salary of porter .....	684.00	684.00
9. Equipment, books, pictures of deceased judges, maintenance and contingent expenses.....	2,000.00	2,000.00
Total .....	\$52,464.00	\$52,464.00

STATE PROSECUTING ATTORNEY BEFORE COURT OF CRIMINAL  
APPEALS

	For the Years Ending August 31, August 31, 1938 1939	
1. Salary for Attorney .....	\$ 5,400.00	\$ 5,400.00
2. Salary of clerk-secretary .....	1,800.00	1,800.00
3. Books, maintenance, equipment and contingent expenses .....	500.00	500.00
Total .....	\$ 7,700.00	\$ 7,700.00

JUDICIARY SECTION—STATE COMPTROLLER

	For the Years Ending August 31, August 31, 1938 1939	
1. Salaries of 128 district judges and criminal judges at \$5,000 per year .....	\$640,000.00	\$640,000.00
2. Salaries, including the \$500 Constitutional al- lowance of 52 district attorneys at a total of \$4,000 per year (per Chapter 442, 2nd C. S. 44th Legislature) .....	208,000.00	208,000.00
3. Salary of criminal district attorney in districts composed of two or more counties (per Sec. 18, Chapter 465, 44th Legislature) .....	4,500.00	4,500.00
4. Salary of district attorney of 34th District (El Paso) .....	5,500.00	5,500.00
5. Salary of assistant district attorney of 34th District (El Paso) .....	2,700.00	2,700.00
6. Salaries of assistant district attorneys of 53rd District (Travis Co.), first assistant at \$3,000 per year, second assistant at \$2,700 per year .....	5,700.00	5,700.00
7. Salary of assistant district attorney of Special 9th District (H. B. 142, 1st Called Session of 43rd Legislature) .....	2,750.00	2,750.00
8. Salary at \$1,800 per year each of one assistant district attorney of 47th District and one assist- ant district attorney (or investigator) in 49th District .....	3,600.00	3,600.00
9. Salary at \$2,100 per year of one assistant dis- trict attorney in 72nd District .....	2,100.00	2,100.00
10. Salary of assistant district attorneys of 22nd Dis- trict (per Art. 326K-3, R. C. S. 1925) .....	3,600.00	3,600.00

	For the Years Ending August 31, August 31, 1938 1939	
11. District judges and district attorneys expenses in districts composed of two or more counties (per Article 6820, R. C. S. 1925) .....	47,400.00	47,400.00
12. Special district judges salaries and regular district judges expenses when holding court out of their districts .....	7,500.00	7,500.00
13. Transcript fees to official court reporters (per Article 760, C. C. P. 1925) .....	1,200.00	1,200.00
14. Fees and cost of officials in cases of escheated estates including accrued fees .....	50.00	50.00
15. Fees and cost of sheriffs, attorneys and clerks in felony cases, and fees of county judges, and county attorneys, justices of the peace, sheriffs and constables in examining trials where indictments are returned; new appropriations to be available only to officers in the approximately 171 counties not on the salary basis.....	218,546.00	218,546.00
16. Apportionment to counties where county officers are paid salaries. (Per Chapter 465, Section 6a, 2nd C. S. 44th Leg.) .....	610,526.00	610,526.00
17. Apportionments to counties where county officers are paid salaries and where there is a criminal district attorney or county attorney performing the duties of district attorneys (for 33 counties; per Sub-sec. B, Sec. 13, Chap. 465, of 44th Legislature) .....	200,782.41	200,782.41
18. Expense of attached witnesses, witness fees and mileage allowed witnesses in felony cases where the witness lives outside the county where the case is being tried .....	210,000.00	210,000.00
19. Special Judges of Supreme Court, Court of Criminal Appeals and Civil Appeals, where regular judges are disqualified and where special judges are appointed; per diem to be same as regular district judge receives .....	1,200.00	1,200.00
20. Expenses of Civil Judicial Council (per S. B. 52, 1st C. S. 41st Legislature) .....	1,200.00	1,200.00
21. Traveling expense of judges of Courts of Civil Appeals when sitting in other districts.....	1,500.00	1,500.00
Total.....	\$2,178,354.41	\$2,178,354.41

## General Provisions

Sec. 4. All amounts appropriated in this Act for law books, or expended therefor under authority of this Act, shall be paid out of the special accounts in the General Revenue Fund provided for in Section 6 hereof. Annual expenditures for law books shall not however, exceed the respective

itemized amounts appropriated for each of said Courts.

Sec. 5. The salaries of all deputy clerks, law clerks, law clerk-secretaries, briefing clerks, secretaries, and stenographers for whom appropriations are made in this Act in lump sums shall be fixed by the

several Courts at not exceeding the amounts specified herein.

Sec. 6. All fees paid to any Court for which appropriations are made herein or to any of the clerks, officers, or employees of any such Court, whether such fees are for official or unofficial copies of opinions, or for other services or documents, shall be deposited at the close of each month in the General Revenue Fund of the State Treasury and shall be carried as a special account in said fund for the Court depositing same, and none of such fees shall be retained by or paid to said clerks, officers, or employees. Each Court employee whose salary is provided for herein, except porters, shall file with the Comptroller at the end of each month an affidavit showing that he has not retained any compensation out of any Court fees or other fees received by him or the Court during that month and showing that all such fees have been deposited in the State Treasury. The Comptroller shall not issue a warrant in payment of the salary of any such employee for any month unless and until the affidavit required herein has been filed for that month.

Sec. 7. a. Appropriations made in this bill are intended to be, and shall be, construed as being the maximum sums, respectively, which may be used in any way for the purposes or objects named in the Act, and obligations shall not be incurred in any case which, when the amount thereof added to expenditures actually made, will exceed such maximum sum; and no surplus shall be diverted from one appropriation to another. Provided, however, that transfers or adjustments may be made from and to appropriations for maintenance, supply, and contingent items, but not to or from law-book appropriations.

b. All printing and stationery shall be purchased through the Board of Control and shall be confined to such articles and qualities as selected and contracted for by the Board of Control.

c. No account against any items of witness fees, County Attorneys', Justices' of Peace, Sheriffs', and Constables' fees, and costs of Sheriffs, Attorneys, and Clerks in felony cases, shall be binding as an obligation against the State of Texas, until such account shall have been examined, audited, and approved by the State

Comptroller, and no such account shall be paid by the State Treasurer until the same has been approved by the Comptroller.

d. It shall be the duty of each of the Appellate Courts and judicial agencies of the State annually, and within sixty (60) days after the close of the State's fiscal year, to make a sworn statement to the Governor of all amounts received and/or expended by said Court and/or agency. Provided, further that it shall be the duty of the head of each Court and judicial agency of the State Government, annually, and within sixty (60) days after the close of the State's fiscal year to make a sworn statement to the Governor of all amounts received and/or expended by said Court or agency and simultaneously with the filing of his report with the Governor, he shall forward a copy of said report to the State Board of Control. A report from each Court shall be filed annually with the Governor, and a copy thereof with the State Board of Control, showing the total number of cases filed in each Court during the year, the number of cases transferred to and from each Court, the number of cases disposed of with the proper divisional classification as to total number of cases similarly disposed of, that is, by dismissal, final judgment, reversal, affirmation, and any other statistical data which may be required by the Governor or State Board of Control.

e. Annual salaries provided for herein shall be paid in twelve (12) equal monthly installments. Printed matter, stationery, materials, and supplies in any way authorized (by this bill or other law) to be purchased or contracted for or in behalf of any Court or agency thereof named in this bill shall be purchased or contracted for by the Board of Control and in the appropriate general manner provided for the Board of Control in existing laws.

f. No funds appropriated in this bill shall be used to pay any expense of traveling outside the boundaries of the State of Texas or for payment (or reimburse for payment) of any tip or gratuity whatsoever.

g. Each officer, agent, or employee of a Court named in this Act and entitled to be paid a salary or other compensation out of any appropriation above made shall be paid by warrant and/or check issued in



his or her name and specifically showing the amount of salary or sum due and the services for which the payment is being made (with date or dates and place or places of performance of such services) such warrant and/or check to be endorsed, before payment thereof, by such officer, agent, or employee.

h. Money appropriated above for stamps or postage shall be expended only upon warrants made payable to a Postmaster and endorsed by such Postmaster or his deputy or authorized clerk.

i. That portion of every appropriation out of State funds or local receipts made herein which is unexpended at the close of the fiscal year for which the appropriation is made shall immediately revert to and become a part of the General Revenue Fund. It is hereby provided that the word "unexpended" as used in this Act means "not disbursed nor contracted to be disbursed."

Sec. 8. All laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 9. If any section, sentence, clause, or part of this Act shall, for any reason, be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof irrespective of the fact that any other sentence, section, clause, or part thereof may be declared invalid.

Sec. 10. The fact that the above and foregoing is one of the regular appropriation bills to pay the salaries, support, maintenance, and operation of the Judiciary and other important agencies of the State for the two (2) fiscal years beginning September 1, 1937, and ending August 31, 1939, and the crowded condition of the Calendars of the two Houses of the Legislature, create an emergency and an imperative public necessity, requiring the Constitutional Rule that bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### RECAPITULATION—JUDICIARY APPROPRIATION

	For the Years Ending August 31, 1938      August 31, 1939	
Court of Civil Appeals—1st District, Galveston .....	\$25,249.00	\$25,249.00
Court of Civil Appeals—2nd District, Fort Worth.....	26,249.00	25,249.00
Court of Civil Appeals—3rd District, Austin .....	25,504.00	24,904.00
Court of Civil Appeals—4th District, San Antonio.....	25,249.00	25,249.00
Court of Civil Appeals—5th District, Dallas .....	25,129.00	25,129.00
Court of Civil Appeals—6th District, Texarkana.....	25,249.00	25,249.00
Court of Civil Appeals—7th District, Amarillo.....	25,265.00	25,265.00
Court of Civil Appeals—8th District, El Paso.....	25,365.00	25,365.00
Court of Civil Appeals—9th District, Beaumont.....	25,079.00	25,079.00
Court of Civil Appeals—10th District, Waco.....	25,129.00	25,129.00
Court of Civil Appeals—11th District, Eastland.....	25,454.00	25,229.00
Supreme Court and Supreme Court Commission of Appeals .....	94,832.00	94,832.00
Court of Criminal Appeals and Commission in Aid of Court of Criminal Appeals.....	52,464.00	52,464.00
State Prosecuting Attorney Before Court of Criminal Appeals .....	7,700.00	7,700.00
Judiciary of Comptroller's Department.....	2,178,354.41	2,178,354.41
Grand Totals .....	\$2,612,271.41	\$2,610,446.41
Combined Grand Total.....		\$5,222,717.82

Mr. Bradbury moved the previous question on the amendment, and the engrossment of House Bill No. 838, and the motion was not seconded.

Mr. Alsop offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 838, by striking out lines 23, 24, 25, page 12.

Mr. Thornton moved to table the amendment by Mr. Alsop.

The motion to table was lost.

Question recurring on the amendment by Mr. Alsop, it was lost.

Mr. Blankenship moved to reconsider the vote by which the amendment was lost, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Cleveland offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 838, by striking out the figures "\$1,500.00" in line 9, page 9, and inserting in lieu thereof the figures "\$1,620.00".

CLEVELAND,  
HAMILTON.

The amendment was adopted.

Mr. Brown offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 838, line 10, page 8, by striking out the figures, "\$3,300.00" and insert in lieu thereof the figures, "\$2,700.00".

Mr. Thornton moved to table the amendment by Mr. Brown.

Question recurring on the motion to table, it prevailed.

Mr. Bates offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 838, page 8, line 13, by striking out the figures "\$1,500.00" and insert in lieu thereof the figures "\$1,800.00".

BATES,  
DAVISSON of Eastland.

The amendment was adopted.

Mr. Calvert offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 838, page 6, line 20, by adding after the word "Judges" the words "and one Commissioner", and amend further by striking out

the figures "\$16,200" in line 21 and insert in lieu thereof the figures "\$21,600".

The amendment was adopted.

Mr. Reed of Bowie moved the previous question on the committee amendment and the engrossment of House Bill No. 838, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Little offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 838, Sec. 3, page 10, line 25, by striking out the figures "\$1,800.00" and inserting in lieu thereof the figures "\$2,400.00", and by changing the figures "\$3,600.00 each year" to "\$4,800.00 each year".

Mr. Graves moved to table the amendment by Mr. Little.

The motion to table prevailed.

Mr. Leonard offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 838, by adding at the end of the Judiciary Section-State Comptroller, the following:

"There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$611,672.28, or so much thereof as may be necessary to pay the apportionment to all counties of the State of Texas in which the county officers are compensated on the salary basis, as provided for in Section 6 of Senate Bill No. 5, enacted at the Second Called Session of the Forty-fourth Legislature.

"There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of Four Hundred and One Thousand Five Hundred and Sixty-four and 82/100 (\$401,564.82) Dollars, which sum represents the amount due for a period of time from January 1, 1936, to December 31, 1936, in the sum of Two Hundred Thousand Seven Hundred Eighty-two and 41/100 (\$200,782.41) Dollars and to become due for a period of time from January 1, 1937, to August 31, 1937, in the sum of \$133,853.96 to pay the apportionment due and to become due to counties having a Criminal District Attorney or a County Attorney performing the duties of a District

Attorney, as provided for in Section 13, Subsection (b) of Senate Bill No. 5, enacted at the Second Called Session of the Forty-fourth Legislature."

ENGLAND,  
HARDIN,  
LEONARD.

Mr. Fielden raised a point of order, on further consideration of the amendment by Mr. Leonard, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Morse offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 838, page 8, line 10, by striking out "\$3,300 in each year" and inserting in lieu thereof "\$3,600 in each year."

Mr. Brown moved to table the amendment by Mr. Morse.

The motion to table prevailed.

Mr. Tennyson offered the following amendment to the committee amendment:

Amend House Bill No. 838, by adding before Section 11 a new Section and add the following:

"Salary of Assistant District Attorney of Thirtieth District—\$2,400.00—\$2,400.00."

TENNYSON,  
HARRIS of Archer.

Mr. Thornton offered the following amendment to the amendment by Mr. Tennyson:

Amend the Tennyson amendment, by striking out the figures "\$2,400.00" and inserting in lieu thereof the figures "\$1,800.00".

The amendment to the amendment was adopted.

The amendment by Mr. Tennyson, as amended, was then adopted.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 838 was then passed to engrossment.

# HOUSE BILL NO. 838 ON THIRD READING

Mr. Thornton moved that the constitutional rule, requiring bills to be

read on three several days, be suspended, and that House Bill No. 838 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126

Adkins	James
Alexander	Johnson of Ellis
Alsup	Johnson
Amos	of Tarrant
Baker	Jones of Angelina
Bates	Jones of Atascosa
Beckworth	Jones of Wise
Blankenship	Keith
Boethel	Kelt
Bond	Kenyon
Boyer	Kern
Bradbury	King
Bradford	Knetsch
Bridgers	Langdon
Brown	Lankford
Burton	Lanning
Cagle	Leath
Callan	Leonard
Carssow	Little
Cathey	Loggins
Cauthorn	Lucas
Celaya	Mauritz
Cleveland	Mays
Colquitt	McConnell
Davis of Haskell	McCracken
Davis of Jasper	McDonald
Davison of Fisher	McFarland
Davisson	McKee
of Eastland	Moffett
Deglandon	Monkhouse
Derden	Morris
Dickison	Morse
Dollins	Newton
Felty	Palmer
Fielden	Patterson of Mills
Fox	Patterson
Gibson	of Travis
Graves	Petsch
Hamilton	Powell
Hankamer	Quinn
Hanna	Ragsdale
Harbin	Reader
Harper	Reed of Bowie
Harrell	Reed of Dallas
Harris of Archer	Rhodes
Harris of Dallas	Roark
Harris of Dickens	Ross
Hartzog	Russell
Heflin	Rutta
Herzik	Settle
Holland	Sewell
Hoskins	Sharpe
Howard	Simpson
Huddleston	Skaggs
Hull	Smith
Hyder	of Matagorda
Jackson	Stevenson

Stinson  
Stocks  
Talbert  
Tarwater  
Tennant  
Tennyson  
Thornberry  
Thornton

Vale  
Waggoner  
Walker  
Weldon  
Westbrook  
Winfree  
Wood  
Worley

Nays—5

Broadfoot  
Hardin  
London

Prescott  
Smith of Tarrant

Absent

Dean  
England  
Farmer  
Fuchs  
Keefe  
Leyendecker

McKinney  
Metcalf  
Nicholson  
Pope  
Riddle  
Shell

Absent—Excused

Bell  
Jones of Falls  
Mann

Oliver  
Schuenemann  
Smith of Hopkins

The Speaker then laid House Bill No. 838 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—130

Adkins  
Alexander  
Alsup  
Amos  
Baker  
Bates  
Beckworth  
Blankenship  
Boethel  
Bond  
Boyer  
Bradbury  
Bradford  
Bridgers  
Brown  
Burton  
Cagle  
Callan  
Carsow  
Cathey  
Cauthorn  
Celaya  
Cleveland  
Colquitt  
Davis of Haskell  
Davis of Jasper  
Davison of Fisher  
Davisson  
of Eastland

Deglandon  
Derden  
Dickison  
Dollins  
England  
Farmer  
Felty  
Fielden  
Fox  
Gibson  
Graves  
Hamilton  
Hankamer  
Hanna  
Harbin  
Harper  
Harrell  
Harris of Archer  
Harris of Dallas  
Harris of Dickens  
Hartzog  
Heflin  
Herzik  
Holland  
Hoskins  
Howard  
Huddleston  
Hull  
Hyder

Jackson  
James  
Johnson of Ellis  
Johnson  
of Tarrant  
Jones of Angelina  
Jones of Atascosa  
Jones of Wise  
Keefe  
Keith  
Kelt  
Kenyon  
Kern  
King  
Knetsch  
Langdon  
Leonard  
Little  
Loggins  
Lucas  
Mauritz  
Mays  
McConnell  
McDonald  
McFarland  
McKee  
McKinney  
Moffett  
Monkhouse  
Morris  
Morse  
Newton  
Palmer  
Patterson of Mills  
Patterson  
of Travis  
Petsch  
Powell

Prescott  
Quinn  
Ragsdale  
Reader  
Reed of Bowie  
Reed of Dallas  
Rhodes  
Riddle  
Roark  
Ross  
Russell  
Rutta  
Settle  
Sewell  
Sharpe  
Shell  
Simpson  
Skaggs  
Smith  
of Matagorda  
Smith of Tarrant  
Stevenson  
Stinson  
Stocks  
Talbert  
Tarwater  
Tennant  
Tennyson  
Thornberry  
Thornton  
Vale  
Waggoner  
Walker  
Weldon  
Westbrook  
Winfree  
Wood  
Worley

Nays—5

Broadfoot  
Hardin  
Lankford

Lanning  
London

Absent

Dean  
Fuchs  
Leath  
Leyendecker

McCracken  
Metcalf  
Nicholson  
Pope

Absent—Excused

Bell  
Jones of Falls  
Mann

Oliver  
Schuenemann  
Smith of Hopkins

#### CONFERENCE COMMITTEE ON HOUSE BILL NO. 55

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on House Bill No. 55:

Messrs. Alsup, Thornton, Brown, Tarwater and Hankamer.

## MESSAGE FROM THE SENATE

Austin, Texas, April 29, 1937.  
Hon. R. W. Calvert, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 144 and requests the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed, on the part of the Senate:

Senators Lemens, Redditt, Woodruff, Brownlee and Shivers.

Respectfully,

BOB BARKER,

Secretary of the Senate.

## MESSAGE FROM THE SENATE

Austin, Texas, April 29, 1937.  
Hon. R. W. Calvert, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 112, Requesting the return of House Bill No. 1016 to the House for the purpose of obtaining a record vote on same and bill is herewith returned.

Has passed

S. B. No. 477, A bill to be entitled "An Act defining the term 'taxing unit', and declaring an emergency."

S. B. No. 487, A bill to be entitled "An Act amending Section Two (2) of House Bill No. Two Hundred Fifty-eight (258), passed by the present, the Forty-fifth (45th) Legislature of the State of Texas, which Act relates to the creation of a Firemen's Relief and Retirement Fund in the State of Texas, and which amendment exempts the premiums and assessments collected by county mutual insurance companies from the tax provided in the bill, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

## NOTICES GIVEN

Mr. Worley gave notice that he would, on the next legislative day, move to take up for consideration, at that time, House Bill No. 373,

which bill was heretofore laid on the table subject to call.

Notices were given by authors of all bills, which bills were heretofore laid on the table subject to call, that motions would be made to take same up, for consideration, on the next legislative day.

SENATE BILL NO. 407 ON  
PASSAGE TO THIRD  
READING

The House resumed consideration of pending business, same being Senate Bill No. 407, Relative to regulating drainage of gas from certain property, on passage to third reading.

The bill having been read second time on this morning, with committee amendment by Mr. Worley, pending.

Question recurring on the committee amendment, by Mr. Worley, it was adopted.

Mr. Worley offered the following committee amendment to the bill:

Amend Senate Bill No. 407, Section 2, by striking out in line 3, the words "for utilization in carbon black manufacturing."

The amendment was adopted.

Mr. Worley offered the following committee amendment to the bill:

Amend Senate Bill No. 407, by adding a new subsection to be known as Subsection (e) at the end of Sec. 3, to read as follows:

"Provided further that in any locality or area within any such above-described common reservoir, which is now and has heretofore been served by a natural gasoline plant or plants and carbon black plant or plants, in which said area there may be now or hereafter located any gas well or wells producing sweet gas, as that term is defined by existing law, which said gas well or wells is not, where not completed, within one hundred twenty (120) days after the effective date of this law, and where such well or wells which may hereafter be completed are not within one hundred twenty (120) days after completion, being produced and the gas therefrom utilized for one or more of the purposes for which sweet gas may be used under existing law, that the owner of such sweet gas well or wells shall be permitted to sell, dispose of and market not to exceed ten per

cent (10%) of the daily potential of such well or wells, gas therefrom for utilization as now provided by law for sour gas; provided, however, that in no event shall any gasoline plant operator purchase or process, in the manufacture of natural gasoline, an amount of sweet gas from such above-described wells which exceeds thirty-three and one third per cent (33 1/3%) of the total volume of residue gas sold by such plant operator for the manufacture of carbon black; it being understood, however, that no provision herein shall prohibit or be construed as preventing the use of sweet gas for any purpose now authorized under existing law. The owner of such gas well or wells as described above, before being permitted to utilize such gas in the manner described above, shall make application for a permit to the Railroad Commission. The Commission may make such rules and regulations governing such applications as will show that the applicant has made bona fide efforts to secure an outlet for his gas for light and fuel purposes."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 407 was then passed to third reading.

#### SENATE BILL NO. 407 ON THIRD READING

Mr. Worley moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 407 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—120

Adkins	Brown
Alexander	Burton
Alsup	Cagle
Baker	Callan
Bates	Carsow
Beckworth	Cathey
Blankenship	Cauthorn
Boethel	Celaya
Bond	Cleveland
Boyer	Colquitt
Bradbury	Davis of Haskell
Bradford	Davis of Jasper
Bridgers	Davison of Fisher

Davisson	McConnell
of Eastland	McDonald
Deglandon	McFarland
Derden	McKee
Dickison	McKinney
Dollins	Moffett
England	Monkhouse
Farmer	Morris
Felty	Morse
Fielden	Newton
Fuchs	Palmer
Gibson	Patterson
Graves	of Travis
Hamilton	Powell
Hankamer	Prescott
Harbin	Quinn
Hardin	Reader
Harper	Reed of Bowie
Harrell	Reed of Dallas
Harris of Archer	Rhodes
Harris of Dallas	Riddle
Harris of Dickens	Roark
Heflin	Ross
Herzik	Russell
Holland	Rutta
Hoskins	Settle
Howard	Sewell
Huddleston	Sharpe
Jackson	Shell
James	Simpson
Johnson of Ellis	Skaggs
Johnson	Smith
of Tarrant	of Matagorda
Jones of Atascosa	Smith of Tarrant
Jones of Wise	Stinson
Keith	Stocks
Kelt	Talbert
Kenyon	Tarwater
Kern	Tennant
King	Tennyson
Knetsch	Thornberry
Langdon	Thornton
Lanning	Vale
Little	Waggoner
Loggins	Walker
London	Weldon
Lucas	Winfree
Mauritz	Wood
Mays	Worley

#### Nays—3

Amos	Lankford
Jones of Angelina	
Present—Not Voting	

Westbrook

#### Absent

Broadfoot	Hyder
Dean	Keefe
Fox	Leath
Hanna	Leonard
Hartzog	Leyendecker
Hull	McCracken

Metcalf  
Nicholson  
Patterson of Mills  
Petsch

Pope  
Ragsdale  
Stevenson

Absent—Excused

Bell  
Jones of Falls  
Mann

Oliver  
Schuenemann  
Smith of Hopkins

The Speaker then laid Senate Bill No. 407 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—123

Adkins	Harris of Archer
Alexander	Harris of Dallas
Alsup	Harris of Dickens
Baker	Heflin
Bates	Herzik
Beckworth	Holland
Blankenship	Hoskins
Boethel	Howard
Bond	Huddleston
Boyer	Hull
Bradbury	Jackson
Bradford	James
Bridgers	Johnson of Ellis
Broadfoot	Johnson
Brown	of Tarrant
Burton	Jones of Angelina
Cagle	Jones of Wise
Callan	Keith
Carssow	Kelt
Cathey	Kenyon
Cauthorn	Kern
Celaya	King
Cleveland	Knetsch
Colquitt	Langdon
Davis of Haskell	Lanning
Davis of Jasper	Leonard
Davison of Fisher	Little
Davison	Loggins
of Eastland	London
Deglandon	Lucas
Derden	Mauritz
Dickison	Mays
Dollins	McConnell
England	McDonald
Farmer	McFarland
Felty	McKee
Fielden	McKinney
Fuchs	Moffett
Gibson	Monkhouse
Graves	Morris
Hamilton	Morse
Hankamer	Newton
Hanna	Palmer
Harbin	Patterson
Hardin	of Travis
Harper	Petsch
Harrell	Powell

Prescott	Smith
Quinn	of Matagorda
Ragsdale	Smith of Tarrant
Reader	Stinson
Reed of Bowie	Stocks
Reed of Dallas	Talbert
Rhodes	Tarwater
Riddle	Tennant
Roark	Tennyson
Russell	Thornberry
Rutta	Thornton
Settle	Vale
Sewell	Walker
Sharpe	Weldon
Simpson	Winfree
Skaggs	Wood
	Worley

Nays—3

Amos	Ross
Lankford	

Present—Not Voting

Westbrook

Absent

Dean	McCracken
Fox	Metcalf
Hartzog	Nicholson
Hyder	Patterson of Mills
Jones of Atascosa	Pope
Keefe	Shell
Leath	Stevenson
Leyendecker	Waggoner

Absent—Excused

Bell	Oliver
Jones of Falls	Schuenemann
Mann	Smith of Hopkins

CONFERENCE COMMITTEES  
APPOINTED

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on Senate Bill No. 144:

Messrs. Fox, Jones of Wise, Lankford, Kelt and Powell.

The Speaker announced the appointment of the following Conference Committee, on the part of the House, on Senate Joint Resolution No. 16:

Messrs. Morse, Howard, Heflin, Winfree and Mann.

SENATE BILLS ON FIRST  
READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first

time, and referred to the appropriate committees, as follows:

Senate Bill No. 466, to the Committee on Conservation and Reclamation.

Senate Bill No. 318, to the Committee on Game and Fisheries.

Senate Bill No. 477, to the Committee on Judiciary.

Senate Bill No. 487, to the Committee on Revenue and Taxation.

#### BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

S. B. No. 289, "An Act creating a Special Road Law for Fannin County, Texas, and declaring an emergency."

S. B. No. 284, "An Act providing for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of grading, constructing of terraces and drainage structures and all other forms of dirt construction work, and declaring an emergency."

S. B. No. 66, "An Act to amend the second paragraph of Section 1, of Article 8309, of the Revised Civil Statutes of the State of Texas of 1925, captioned 'Employee'; enlarging the scope of its meaning, and defining the same, and declaring an emergency."

S. B. No. 470, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than thirteen thousand seven hundred (13,700), and not more than thirteen thousand eight hundred (13,800) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

S. B. No. 137, "An Act providing for and fixing the salaries of the members of the Judiciary of the State of Texas; amending Section 1 of House Bill No. 280, Chapter 148, Acts of the Regular Session of the Forty-third Legislature, as amended by

Section 1 of House Bill No. 417, Chapter 355, Acts of the Regular Session of the Forty-fourth Legislature; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 397, "An Act amending Chapter 2, Title 8, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, by adding thereto Article 601-A, providing that in all counties having therein a city of one hundred thousand or more population, as shown by the last preceding Federal Census, the judge of the court having jurisdiction of a capital case in which a motion for special venire has been made, shall grant or refuse such motion at his discretion and upon his refusal to grant same, require the case to be tried by the regular jurors summoned for service and such additional talesman as may be ordered in the courts of such county; etc., and declaring an emergency."

S. B. No. 64, "An Act to amend Title 130 of the Revised Civil Statutes of 1925, as amended, so as to protect the claimant or beneficiary of Workmen's Compensation Insurance by simplifying the procedure in the courts and by providing a more equitable basis for allowing attorney's fees in such cases, providing that in such cases certain facts shall be presumed unless denied under oath; and further providing that attorney's fees in such cases shall be allowed only on a basis of benefits accruing to the beneficiary or claimant, and declaring an emergency."

S. B. No. 153, "An Act to amend Article 3139 of the Revised Civil Statutes of Texas, 1925, so as to provide for the election of sixty-two members to the State Executive Committee of any political party, one man and one woman from each senatorial district, and providing for meetings of all party State conventions for this purpose; places and times for meetings; length of sessions; election of chairman; and providing method for filling vacancies, and declaring an emergency."

H. B. No. 938, "An Act amending Article 3605, to provide for the appointment of a guardian for a non compos mentis interested in an estate subject to division; providing for appointment of a guardian ad litem and/or attorney to represent non-residents and unknown parties having an



interest in said property, and declaring an emergency."

H. B. No. 1139, "An Act to create Dallas County Levee Improvement District Number Fourteen, of Dallas County, Texas, embracing lands in the County of Dallas, Texas, and lying within the boundaries of Dallas County Levee District Number Two, etc., and declaring an emergency."

H. B. No. 971, "An Act repealing Chapter 174, Special Laws of the Forty-second Legislature, Regular Session, etc., and declaring an emergency."

H. B. No. 804, "An Act to make it unlawful to keep, impound, confine or transport game fish in live boxes or ponds, or to have in live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported and to possess, keep or place in storage more than seventy-six game fish in Harrison and Marion Counties, State of Texas; defining the terms 'live box', 'pond', 'in storage', and 'game fish', as used in this Act; providing for the liberation or donation to a charitable institution or charitable cause, of fish confined or impounded, or kept in storage, in violation of this Act, and providing penalties for the violation of this Act, and declaring an emergency."

H. B. No. 291, "An Act to amend Chapter 83, Senate Bill No. 179, of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, by amending Section 4 of said Act by adding, at the end of such Section the following: 'Provided, that any person who has to his credit in any standard college or university of Texas as much as six (6) hours of Government, shall be deemed to have met the requirements of this Section', and declaring an emergency."

H. B. No. 772, "An Act amending Section 9 of Chapter 101 of the General and Special Laws of the First Called Session of the Forty-third Legislature, being House Bill No. 31 and as amended by Chapter 346 of the General and Special Laws of the Regular Session of the Forty-fourth Legislature, being House Bill No. 991; providing the method of disbursement of the funds of such fireman, policeman, and fire alarm operator's pension fund, the section of said Acts so amended hereinafter set out, and declaring an emergency."

H. B. No. 1048, "An Act granting the Commissioners Court of Callahan, Eastland and Taylor Counties permission to pay out of the General Fund of said County bounties for the destruction of rabbits and ravens, and declaring an emergency."

H. B. No. 1005, "An Act amending Title 25 of Article 911b, Section 6, paragraph (d), Revised Civil Statutes, 1925, by providing that the Railroad Commission of Texas may issue special permits to transport used office furniture and equipment for hire by motor vehicles, etc., and declaring an emergency."

H. B. No. 846, "An Act making it unlawful to take or kill by trap, snare, or deadfall any fur-bearing animals in Harrison County; providing certain exceptions; providing the length of this Act; describing a penalty, and declaring an emergency."

H. B. No. 634, "An Act to amend Subdivision 38, of Article 199, Title 8, Revised Statutes of 1925, as amended by Act of the Forty-first Legislature at its Regular Session, page 125, Chapter 60, Sections 1, 2 and 3, and providing for changing and prescribing terms and times for holding the Courts in the Counties composing the 38th Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of Court in the several counties as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under this Act; to repeal all laws and parts of laws in conflict herewith; and providing the time this Act shall take effect, and declaring an emergency."

H. B. No. 127, "An Act to authorize payments of funds arising out of liquidated and uncontested claims in favor of minors, lunatics, idiots and non compos mentis and to provide for the disposition of such funds so paid and define the duties of the person holding such funds; providing this Act shall be cumulative of all other laws on the same subject, and declaring an emergency."

H. B. No. 625, "An Act amending Article 5449, 1925 Civil Statutes, as amended by Chapter 291, of the General Laws of the Regular Session of the Forty-fourth Legislature, so as to provide that when any abstract of judgment has been recorded it shall,

from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county, said lien to continue for four years from the date of such record and index, except that if during said four-year period the judgment becomes dormant said lien shall thereupon cease to exist, and so as to provide that the lien of any judgment so recorded and indexed prior to the effective date of this Act, if then valid, shall continue for four years from the effective date of this Act, except that if during said four years the judgment becomes dormant said lien shall thereupon cease to exist, and declaring an emergency."

H. J. R. No. 23, Proposing an amendment to the Constitution of the State of Texas to be known as Article VIII, Section 20.

H. B. No. 1088, "An Act providing for emergency relief for Kingsland Common School District, No. 29, of Llano County, Texas, to aid said District in the payment of teachers' salaries and in equipping said school building in which there has been an influx of children within scholastic age since the last scholastic enumeration in the State; making an appropriation to said District for said purposes; prescribing the manner of disbursing the funds appropriated by this Act, and declaring an emergency."

H. B. No. 515, "An Act to prohibit the killing, capturing or taking possession of any wild fox in Lamar, Fannin, Smith and Red River Counties for a period of five years from and after the passage of this Act; prescribing a penalty for violation, and declaring an emergency."

H. B. No. 518, A bill to be entitled "An Act to amend Chapter 2 of Title 116 of the Revised Civil Statutes of Texas, 1925, by adding to said Chapter a new Article to be known as 'Article 6711a', providing that upon application of ten (10) or more resident citizens of the County of Trinity, or one person living within an enclosure of two thousand (2,000) acres or more in said County, the Commissioners Court of said County shall open a road through said enclosure of land, or between different persons or

owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said land is adjacent or contiguous to public rivers, lakes or bays in the County of Trinity; providing for notice and hearing on said application; . . . etc., and declaring an emergency."

H. C. R. No. 111, Suspending certain Joint Rule to consider certain bills.

### RECESS

On motion of Mr. Roark, the House, at 4:45 o'clock p. m., took recess until 7:30 o'clock p. m., today.

### NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

### COMMUNICATION TO CHIEF CLERK

Mrs. Louise Snow Phinney  
Chief Clerk  
House of Representatives  
Austin, Texas

Dear Mrs. Phinney:

I deeply appreciate your letter of April 26th, enclosing cashier's check for \$202.50, representing the amount contributed by the Members of the House for the New London school childrens' Memorial. This will be turned over to the committee as a part of the amount for the erection of this memorial.

Please express to the Members of the House my appreciation, as well as that of the entire committee, for this generous donation.

Sincerely yours,

JAMES V. ALLRED,  
Governor of Texas.

### LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Bell was granted leave of absence for this afternoon and this evening, on account of important business, on motion of Mr. Burton.

Mr. Herzik was granted leave of absence for this afternoon and this evening, on account of important business, on motion of Mr. Jones of Atascosa.

Mr. Bond was granted leave of absence for this evening, on account of important business, on motion of Mr. Davison of Fisher.

#### HOUSE BILL NO. 650 WITH SENATE AMENDMENTS

Mr. Beckworth called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 650, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. Beckworth moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### REQUEST OF SENATE GRANTED

On motion of Mr. Jones of Atascosa, the House granted the request of the Senate for a conference committee to adjust the differences between the two Houses on Senate Bill No. 259.

#### CONFERENCE COMMITTEE AP- POINTED ON HOUSE BILL NO. 650

The Speaker announced the appointment of the following conference committee, on the part of the House, on House Bill No. 650:

Messrs. Beckworth, Cleveland, Bradbury, Pope and Hyder.

#### HOUSE BILL NO. 581 ON SECOND READING

The Speaker laid before the House, on its second reading, and passage to engrossment,

H. B. No. 581, A bill to be entitled "An Act prohibiting the sale of contraceptive devices, prophylactic rub-

ber good and articles for the prevention of venereal and other diseases and infections, or any sex inciting devices or contrivances, except by registered pharmacists or licensed physicians; providing licensing dealers and a penalty for violation of this Act; providing a savings clause, and declaring an emergency."

The bill was read second time.

Mr. Johnson of Ellis moved a call of the House for the purpose of securing and maintaining a quorum until 10:30 o'clock p. m., today, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—44

Alexander	Jones of Wise
Alsup	Kern
Amos	King
Bates	Langdon
Beckworth	Loggins
Bradbury	London
Broadfoot	Lucas
Brown	McConnell
Burton	McFarland
Cleveland	Moffett
Colquitt	Morris
Davis of Haskell	Nicholson
Davis of Jasper	Patterson of Mills
Davison	Pope
of Eastland	Quinn
Fuchs	Reader
Hanna	Reed of Bowie
Hardin	Rhodes
Harrell	Smith of Tarrant
Harris of Archer	Tennyson
Holland	Thornberry
Hull	Weldon
Johnson of Ellis	

Nays—68

Adkins	England
Baker	Farmer
Blankenship	Felty
Boyer	Fielden
Bradford	Graves
Bridgers	Hamilton
Cagle	Hankamer
Callan	Harper
Carsow	Harris of Dallas
Cathey	Howard
Cauthorn	Huddleston
Davison of Fisher	Jones of Angelina
Dean	Jones of Atascosa
Deglandon	Jones of Falls
Derden	Keefe
Dickison	Kelt
Dollins	Kenyon

Knetsch	Roark
Lankford	Russell
Lanning	Rutta
Leonard	Settle
Leyendecker	Sharpe
Little	Simpson
Mays	Skaggs
McDonald	Stevenson
McKee	Stinson
Metcalfe	Stocks
Morse	Talbert
Newton	Tennant
Palmer	Thornton
Petsch	Waggoner
Powell	Walker
Prescott	Wood
Reed of Dallas	Worley

## Present—Not Voting

Smith	Winfree
of Matagorda	

## Absent

Boethel	Leath
Celaya	Mauritz
Fox	McCracken
Gibson	McKinney
Harbin	Monkhouse
Harris of Dickens	Patterson
Hartzog	of Travis
Heflin	Ragsdale
Hoskins	Riddle
Hyder	Ross
Jackson	Sewell
James	Shell
Johnson	Tarwater
of Tarrant	Vale
Keith	

## Absent—Excused

Bell	Oliver
Bond	Schuenemann
Herzik	Smith of Hopkins
Mann	Westbrook

Mr. Davisson of Eastland offered the following amendment to the bill:

Amend House Bill No. 581, page 5, by adding a new section, Sec. 10a to read as follows:

"There is hereby levied a tax of \$1.44 per gross on the sale in this State of any drug, article, or medicinal preparation primarily manufactured, produced or intended for use as, or which may be used as a contraceptive or prophylactic. Said tax is to be collected by the Comptroller of Public Accounts."

The amendment was adopted.

Mr. Morris offered the following amendment to the bill:

Amend House Bill No. 581, by adding at the end of the sentence, line

26, page 2, the following: "or by an employee of a registered pharmacist."

The amendment was adopted.

Mr. Sharpe offered the following amendment to the bill:

Amend House Bill No. 581, by adding after the word "physician" on page one (1), line 22, the following: "or any person or firm."

Mr. Petsch moved the previous question on the pending amendment, and the engrossment of House Bill No. 581, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Moffett moved the previous question on the pending amendment, and the engrossment of the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Sharpe, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—26

Alexander	Jackson
Blankenship	Johnson of Ellis
Bradford	Kern
Brown	Mays
Cagle	Pope
Callan	Prescott
Cauthorn	Reed of Bowie
Deglandon	Ross
Fuchs	Sharpe
Gibson	Simpson
Hanna	Skaggs
Harrell	Walker
Harris of Archer	Worley

## Nays—86

Adkins	England
Alsup	Farmer
Amos	Felty
Baker	Fielden
Bates	Fox
Beckworth	Graves
Boyer	Hamilton
Bradbury	Hankamer
Bridgers	Hardin
Broadfoot	Harper
Burton	Harris of Dallas
Carssow	Harris of Dickens
Cathey	Heflin
Colquitt	Holland
Davis of Haskell	Howard
Davis of Jasper	Huddleston
Davisson	Hyder
of Eastland	James
Dickison	Jones of Angelina
Dollins	Jones of Atascosa

Jones of Wise	Powell
Keith	Reader
Kelt	Reed of Dallas
King	Rhodes
Knetsch	Roark
Langdon	Russell
Lankford	Rutta
Lanning	Settle
Leyendecker	Shell
Little	Smith
London	of Matagorda
Lucas	Smith of Tarrant
McConnell	Stinson
McDonald	Stocks
McFarland	Talbert
McKee	Tennant
Moffett	Tennyson
Morris	Thornberry
Morse	Thornton
Newton	Waggoner
Nicholson	Weldon
Palmer	Westbrook
Patterson of Mills	Winfree
Petsch	Wood

## Present—Not Voting

Cleveland

## Absent

Boethel	Loggins
Celaya	Mauritz
Davison of Fisher	McCracken
Dean	McKinney
Derden	Metcalf
Harbin	Monkhouse
Hartzog	Patterson
Hoskins	of Travis
Hull	Quinn
Johnson	Ragsdale
of Tarrant	Riddle
Keefe	Sewell
Kenyon	Stevenson
Leath	Tarwater
Leonard	Vale

## Absent—Excused

Bell	Mann
Bond	Oliver
Herzik	Schuenemann
Jones of Falls	Smith of Hopkins

Question recurring on the engrossment of House Bill No. 581, yeas and nays were demanded.

House Bill No. 581 was then passed to engrossment by the following vote:

## Yeas—73

Adkins	Bridgers
Alsup	Broadfoot
Amos	Burton
Baker	Carssow
Bates	Cathey
Bradbury	Cleveland

Davis of Haskell	Lucas
Davison	McConnell
of Eastland	McDonald
Dickison	McFarland
Dollins	McKee
England	Metcalf
Felty	Morris
Fox	Morse
Graves	Newton
Hamilton	Nicholson
Harper	Palmer
Harris of Dallas	Patterson of Mills
Harris of Dickens	Patterson
Heflin	of Travis
Holland	Petsch
Howard	Reader
Huddleston	Reed of Bowie
Hyder	Reed of Dallas
Jackson	Rhodes
James	Russell
Johnson of Ellis	Rutta
Jones of Angelina	Settle
Keith	Smith
King	of Matagorda
Knetsch	Smith of Tarrant
Langdon	Stinson
Lankford	Stocks
Lanning	Thornberry
Leonard	Thornton
Leyendecker	Waggoner
Little	Weldon
London	Winfree

## Nays—42

Alexander	Jones of Wise
Beckworth	Keefe
Blankenship	Kelt
Boyer	Kern
Bradford	Mays
Brown	Moffett
Cagle	Pope
Callan	Powell
Cauthorn	Prescott
Colquitt	Roark
Deglandon	Ross
Farmer	Sharpe
Fielden	Shell
Fuchs	Simpson
Gibson	Skaggs
Hankamer	Talbert
Hanna	Tennant
Hardin	Tennyson
Harrell	Walker
Harris of Archer	Wood
Jones of Atascosa	Worley

## Absent

Boethel	Hartzog
Celaya	Hoskins
Davis of Jasper	Hull
Davison of Fisher	Johnson
Dean	of Tarrant
Derden	Kenyon
Harbin	Leath

Loggins  
Mauritz  
McCracken  
McKinney  
Monkhouse  
Quinn

Ragsdale  
Riddle  
Sewell  
Stevenson  
Tarwater  
Vale

Absent—Excused

Bell  
Bond  
Herzik  
Jones of Falls  
Mann

Oliver  
Schuenemann  
Smith of Hopkins  
Westbrook

**MOTION TO TAKE UP HOUSE  
BILL NO. 581**

Mr. Davis of Haskell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 581 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—86

Adkins	Jones of Wise
Alsup	Keefe
Amos	Keith
Baker	King
Bates	Knetsch
Bradbury	Langdon
Broadfood	Lankford
Burton	Lanning
Cathey	Leath
Cleveland	Leonard
Davis of Haskell	Leyendecker
Davis of Jasper	Little
Davison	London
of Eastland	Lucas
Dickison	Mays
Dollins	McConnell
England	McDonald
Felty	McFarland
Fox	McKee
Fuchs	Metcalfe
Graves	Moffett
Hamilton	Morris
Harbin	Morse
Harper	Newton
Harris of Archer	Nicholson
Harris of Dallas	Palmer
Harris of Dickens	Patterson of Mills
Hartzog	Patterson
Heflin	of Travis
Holland	Petsch
Howard	Reader
Huddleston	Reed of Bowie
Hyder	Reed of Dallas
James	Rhodes
Johnson of Ellis	Roark
Jones of Angelina	Ross

Russell  
Rutta  
Settle  
Smith  
of Matagorda  
Smith of Tarrant  
Stinson  
Stocks  
Tennyson

Thornberry  
Thornton  
Waggoner  
Walker  
Weldon  
Westbrook  
Winfree  
Wood

Nays—33

Alexander	Harrell
Beckworth	Hull
Blankenship	Jackson
Boyer	Jones of Atascosa
Bradford	Kenyon
Brown	Kern
Cagle	Pope
Callan	Powell
Cauthorn	Prescott
Colquitt	Sharpe
Deglandon	Shell
Farmer	Simpson
Fielden	Skaggs
Gibson	Talbert
Hankamer	Tennant
Hanna	Worley
Hardin	

Absent

Boethel	Mauritz
Bridgers	McCracken
Carssow	McKinney
Celaya	Monkhouse
Davison of Fisher	Quinn
Dean	Ragsdale
Derden	Riddle
Hoskins	Sewell
Johnson	Stevenson
of Tarrant	Tarwater
Kelt	Vale
Loggins	

Absent—Excused

Bell	Mann
Bond	Oliver
Herzik	Schuenemann
Jones of Falls	Smith of Hopkins

**PROVIDING FOR THE CONSID-  
ERATION OF HOUSE BILL  
NO. 134**

Mr. Tennyson offered the following resolution:

H. C. R. No. 115, Providing for the consideration of House Bill No. 134.

Be It Resolved by the House of Representatives, the Senate concurring, That Joint Rule No. 21 be, and is hereby suspended in order that the House of Representatives may consider House Bill No. 134 until finally disposed of, following the disposition

of bills for which said Rule has heretofore been suspended for the night session April 29, 1937.

TENNYSON,  
HARRIS of Archer.

The resolution was read second time.

Mr. Wood moved that the resolution be tabled.

Question recurring on the motion to table the resolution, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—52

Blankenship	Knetsch
Boyer	Leath
Bradbury	Leonard
Broadfoot	Leyendecker
Brown	Little
Callan	McKee
Cathey	Morse
Colquitt	Newton
Deglandon	Nicholson
Farmer	Patterson of Mills
Fielden	Petsch
Fuchs	Pope
Hanna	Powell
Harbin	Prescott
Hardin	Reed of Bowie
Harris of Dallas	Reed of Dallas
Hartzog	Rhodes
Howard	Settle
Hull	Sewell
Hyder	Shell
Jackson	Stinson
James	Talbert
Johnson of Ellis	Thornton
Jones of Atascosa	Waggoner
Keith	Winfree
Kenyon	Wood

Nays—67

Adkins	Felty
Alsup	Fox
Amos	Gibson
Baker	Graves
Bates	Hamilton
Beckworth	Hankamer
Burton	Harper
Cagle	Harrell
Carssow	Harris of Archer
Cauthorn	Harris of Dickens
Cleveland	Heflin
Davis of Haskell	Holland
Davis of Jasper	Huddleston
Davisson	Jones of Angelina
of Eastland	Jones of Wise
Derden	Keefe
Dickson	Kern
Dollins	King
England	Langdon

Lankford	Ross
Lanning	Russell
London	Rutta
Lucas	Sharpe
Mays	Simpson
McConnell	Smith
McDonald	of Matagorda
McFarland	Smith of Tarrant
Metcalfe	Stocks
Moffett	Tennant
Morris	Tennyson
Palmer	Thornberry
Patterson	Walker
of Travis	Weldon
Reader	Westbrook
Roark	Worley

Present—Not Voting

Kelt

Absent

Alexander	Mauritz
Boethel	McCracken
Bradford	McKinney
Bridgers	Monkhouse
Celaya	Quinn
Davison of Fisher	Ragsdale
Dean	Riddle
Hoskins	Skaggs
Johnson	Stevenson
of Tarrant	Tarwater
Loggins	Vale

Absent—Excused

Bell	Mann
Bond	Oliver
Herzik	Schuenemann
Jones of Falls	Smith of Hopkins

Question then recurring on the resolution by Mr. Tennyson, yeas and nays were demanded.

The resolution was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—69

Adkins	Derden
Alsup	Dollins
Amos	England
Baker	Fielden
Bates	Fox
Beckworth	Gibson
Bradbury	Graves
Bridgers	Hamilton
Burton	Harrell
Cagle	Harris of Archer
Cauthorn	Harris of Dickens
Cleveland	Holland
Davis of Haskell	Huddleston
Davis of Jasper	Jones of Angelina
Davisson	Jones of Wise
of Eastland	Keefe

Kelt	Reader
Kern	Roark
King	Ross
Langdon	Russell
Lankford	Rutta
Lanning	Sharpe
London	Simpson
Lucas	Smith
Mays	of Matagorda
McDonald	Smith of Tarrant
McFarland	Stevenson
Metcalfe	Stocks
Moffett	Talbert
Morris	Tennant
Newton	Tennyson
Palmer	Thornberry
Patterson	Walker
of Travis	Weldon
Prescott	Westbrook
Quinn	Worley

## Nays—51

Blankenship	Keith
Boyer	Kenyon
Bradford	Knetsch
Broadfoot	Leonard
Brown	Leyendecker
Callan	Little
Cathey	McConnell
Colquitt	McKee
Deglandon	Morse
Dickison	Nicholson
Farmer	Patterson of Mills
Felty	Petsch
Fuchs	Pope
Hankamer	Powell
Hanna	Reed of Bowie
Harbin	Reed of Dallas
Hardin	Rhodes
Harris of Dallas	Settle
Hartzog	Sewell
Howard	Shell
Hull	Stinson
Hyder	Thornton
Jackson	Waggoner
James	Winfree
Johnson of Ellis	Wood
Jones of Atascosa	

## Absent

Alexander	Leath
Boethel	Loggins
Carssow	Mauritz
Celaya	McCracken
Davison of Fisher	McKinney
Dean	Monkhouse
Harper	Ragsdale
Heflin	Riddle
Hoskins	Skaggs
Johnson	Tarwater
of Tarrant	Vale

## Absent—Excused

Bell	Herzik
Bond	Jones of Falls

Mann	Schuenemann
Oliver	Smith of Hopkins

**CONFERENCE COMMITTEE AP-  
POINTED ON SENATE  
BILL NO. 259**

The Speaker announced the appointment of the following conference committee, on the part of the House, on Senate Bill No. 259: Messrs. Jones of Atascosa, Knetsch, Keith, Leonard and Gibson.

**MESSAGE FROM THE SENATE**

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Joint Resolution No. 2.

The following have been appointed on the part of the Senate:

Senators Redditt, Small, Weinert, Stone and Moore.

Respectfully,

**BOB BARKER,**

Secretary of the Senate.

**HOUSE BILL NO. 58 ON SECOND  
READING**

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 58, A bill to be entitled "An Act to protect trade mark owners, distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade mark, brand or name, and to facilitate fair trade, defining certain terms, and declaring an emergency."

The bill was read second time.

(Mr. Hull in the Chair.)

Mr. McKee moved the previous question on the engrossment of House Bill No. 58, and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows:

Yeas—76

Adkins	Amos
Alexander	Baker



Bates	Lankford
Beckworth	Lanning
Blankenship	Leonard
Boethel	Leyendecker
Boyer	Little
Bradbury	London
Bridgers	Lucas
Cathey	McConnell
Cauthorn	McDonald
Colquitt	McFarland
Davisson	Moffett
of Eastland	Morris
Dollins	Morse
Felty	Palmer
Fielden	Petsch
Fox	Prescott
Fuchs	Quinn
Graves	Reader
Hamilton	Reed of Bowie
Hanna	Rhodes
Hardin	Russell
Harper	Rutta
Harris of Dallas	Settle
Harris of Dickens	Sewell
Heflin	Simpson
Holland	Smith
Hyder	of Matagorda
Jackson	Smith of Tarrant
James	Tennyson
Johnson of Ellis	Thornberry
Jones of Angelina	Thornton
Jones of Wise	Waggoner
Keefe	Walker
Keith	Weldon
Kelt	Winfree
Knetsch	Wood
Langdon	Worley

## Nays—22

Alsup	Kern
Burton	Mays
Cagle	Patterson of Mills
Cleveland	Patterson
Deglandon	of Travis
Derden	Pope
Gibson	Powell
Hankamer	Reed of Dallas
Harrell	Sharpe
Harris of Archer	Stinson
Johnson	Talbert
of Tarrant	Tennant

## Absent

Bradford	England
Broadfoot	Farmer
Brown	Harbin
Callan	Hartzog
Carssow	Hoskins
Celaya	Howard
Davis of Haskell	Huddleston
Davis of Jasper	Hull
Davison of Fisher	Jones of Atascosa
Dean	Kenyon
Dickison	King

Leath	Ragsdale
Loggins	Riddle
Mauritz	Roark
McCracken	Ross
McKee	Shell
McKinney	Skaggs
Metcalfe	Stevenson
Monkhouse	Stocks
Newton	Tarwater
Nicholson	Vale

## Absent—Excused

Bell	Oliver
Bond	Schuenemann
Herzik	Smith of Hopkins
Jones of Falls	Westbrook
Mann	

Mr. Gibson raised the point of order, that there is not a quorum present.

The Chair sustained the point of order.

Mr. Reader moved a call of the House, for the purpose of securing and maintaining a quorum until 10:30 o'clock p. m., today, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

Question again recurring on the engrossment of House Bill No. 58, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 87; nays, 19.

A verification of the vote was requested.

Mr. Morris moved a call of the House, pending verification of the vote, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

## Yeas—83

Adkins	Davisson
Alexander	of Eastland
Amos	Dickison
Baker	Dollins
Bates	England
Beckworth	Felty
Blankenship	Fielden
Boethel	Fox
Boyer	Fuchs
Bradbury	Graves
Bridgers	Hamilton
Cathey	Hanna
Cauthorn	Harper
Cleveland	Harris of Dallas
Colquitt	Harris of Dickens
Davis of Haskell	Hartzog
Davis of Jasper	Holland

Hyder	Nicholson
Jackson	Palmer
James	Quinn
Jones of Angelina	Reader
Jones of Atascosa	Reed of Bowie
Jones of Wise	Rhodes
Keith	Ross
Kelt	Russell
King	Rutta
Knetsch	Settle
Langdon	Sewell
Lankford	Shell
Lanning	Simpson
Leonard	Smith
Leyendecker	of Matagorda
Little	Smith of Tarrant
London	Talbert
Lucas	Thornberry
McConnell	Thornton
McDonald	Waggoner
McFarland	Walker
McKee	Weldon
Metcalfe	Winfree
Moffett	Wood
Morris	Worley
Morse	

## Nays—18

Burton	Mays
Deglandon	Patterson of Mills
Derden	Patterson
Gibson	of Travis
Hankamer	Pope
Harrell	Powell
Johnson of Ellis	Reed of Dallas
Johnson	Sharpe
of Tarrant	Stinson
Kern	Tennant

## Present—Not Voting

Mr. Speaker	Hull
Broadfoot	

## Absent

Alsup	Leath
Bradford	Loggins
Brown	Mauritz
Cagle	McCracken
Callan	McKinney
Carssow	Monkhouse
Celaya	Newton
Davison of Fisher	Petsch
Dean	Prescott
Farmer	Ragsdale
Harbin	Riddle
Hardin	Roark
Harris of Archer	Skaggs
Heflin	Stevenson
Hoskins	Stocks
Howard	Tarwater
Huddleston	Tennyson
Keefe	Vale
Kenyon	

## Absent—Excused

Bell	Oliver
Bond	Schuenemann
Herzik	Smith of Hopkins
Jones of Falls	Westbrook
Mann	

The Chair announced that House Bill No. 58 was passed to engrossment.

Mr. Reader moved to reconsider the vote by which House Bill No. 58 was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.  
(Speaker in the Chair.)

## HOUSE BILL NO. 58 ON THIRD READING

Mr. Reader moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 58 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—88

Adkins	Harris of Dickens
Alexander	Hartzog
Alsup	Holland
Amos	Huddleston
Baker	Hull
Bates	Hyder
Beckworth	Jackson
Blankenship	James
Boethel	Johnson of Ellis
Boyer	Jones of Angelina
Bradbury	Jones of Wise
Bradford	Keefe
Bridgers	Keith
Broadfoot	Kelt
Cathey	King
Cauthorn	Knetsch
Cleveland	Langdon
Colquitt	Lankford
Davis of Haskell	Lanning
Davis of Jasper	Leonard
Davison of Fisher	Leyendecker
Davison	Little
of Eastland	London
Dickison	Lucas
Dollins	McConnell
Felty	McDonald
Fielden	McFarland
Fox	McKee
Fuchs	Metcalfe
Graves	Moffett
Hamilton	Morris
Hanna	Morse
Harbin	Nicholson
Harper	Palmer
Harris of Dallas	Quinn

Reed of Bowie	Talbert
Rhodes	Tennyson
Ross	Thornberry
Russell	Thornton
Rutta	Waggoner
Settle	Walker
Sewell	Weldon
Smith	Winfree
of Matagorda	Wood
Smith of Tarrant	Worley

## Nays—20

Burton	Kern
Cagle	Mays
Deglandon	Patterson of Mills
Derden	Patterson
Gibson	of Travis
Hankamer	Pope
Harrell	Powell
Harris of Archer	Sharpe
Johnson	Simpson
of Tarrant	Stinson
Jones of Atascosa	Tennant

## Present—Not Voting

Brown

## Absent

Callan	Monkhouse
Carssow	Newton
Celaya	Petsch
Dean	Prescott
England	Ragsdale
Farmer	Reader
Hardin	Reed of Dallas
Heflin	Riddle
Hoskins	Roark
Howard	Shell
Kenyon	Skaggs
Leath	Stevenson
Loggins	Stocks
Mauritz	Tarwater
McCracken	Vale
McKinney	Westbrook

## Absent—Excused

Bell	Mann
Bond	Oliver
Herzik	Schuenemann
Jones of Falls	Smith of Hopkins

The Speaker then laid House Bill No. 58 before the House on third reading and final passage.

The bill was read third time.

Mr. Wood offered the following amendment to the bill:

Amend House Bill No. 58, by striking out the word "grower" in line 9, page 2.

The amendment was adopted.

Mr. Jones of Wise offered the following amendment to the bill:

Amend House Bill No. 58, by adding at the end of Section 1 the following to be Subsection 4:

"(4) When any goods are bought at wholesale and resold at retail by any cooperative organization of private individuals to members of such cooperatives."

JONES of Wise,  
REED of Dallas,  
FARMER,  
FIELDEN,  
ALEXANDER.

Mr. Mays raised a point of order, on consideration of House Bill No. 58, on the ground that the bill has not been fully discussed in accordance with the constitutional provisions.

The Speaker overruled the point of order.

Mr. Moffett moved the previous question on the pending amendment, and the final passage of House Bill No. 58, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The main question was ordered by the following vote:

## Yeas—83

Adkins	Harris of Dickens
Alsup	Hartzog
Amos	Holland
Baker	Huddleston
Bates	Jackson
Beckworth	James
Blankenship	Johnson of Ellis
Boethel	Jones of Angelina
Boyer	Jones of Wise
Bradbury	Keefe
Bradford	Keith
Bridgers	Kelt
Broadfoot	King
Cathey	Knetsch
Cauthorn	Langdon
Cleveland	Lankford
Colquitt	Lanning
Davis of Haskell	Leonard
Davisson	Leyendecker
of Eastland	Little
Deglandon	London
Dickison	Lucas
Dollins	McConnell
Felty	McDonald
Fielden	McFarland
Fox	McKee
Fuchs	Moffett
Graves	Morris
Hamilton	Morse
Hanna	Nicholson
Harper	Palmer
Harris of Dallas	Quinn

Reader	Smith of Tarrant	Bradbury	Keefe
Reed of Bowie	Talbert	Bradford	Kern
Reed of Dallas	Tennyson	Bridgers	Knetsch
Rhodes	Thornberry	Broadfoot	Lankford
Russell	Thornton	Burton	London
Rutta	Waggoner	Cagle	Lucas
Settle	Walker	Cauthorn	McConnell
Sewell	Weldon	Cleveland	McKee
Simpson	Winfree	Deglandon	Moffett
Smith	Worley	Derden	Nicholson
of Matagorda		Fielden	Patterson of Mills

## Nays—20

Alexander	Kern
Burton	Mays
Derden	Patterson of Mills
Gibson	Patterson
Hankamer	of Travis
Harrell	Pope
Harris of Archer	Ross
Hull	Sharpe
Johnson	Stinson
of Tarrant	Tennant
Jones of Atascosa	Wood

## Absent

Brown	Mauritz
Cagle	McCracken
Callan	McKinney
Carssow	Metcalfe
Celaya	Monkhouse
Davis of Jasper	Newton
Davison of Fisher	Petsch
Dean	Powell
England	Prescott
Farmer	Ragsdale
Harbin	Riddle
Hardin	Roark
Heflin	Shell
Hoskins	Skaggs
Howard	Stevenson
Hyder	Stocks
Kenyon	Tarwater
Leath	Vale
Loggins	

## Absent—Excused

Bell	Oliver
Bond	Schuenemann
Herzik	Smith of Hopkins
Jones of Falls	Westbrook
Mann	

Question then recurring on the amendment by Mr. Jones of Wise, yeas and nays were demanded.

The amendment was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—58

Adkins	Bates
Alexander	Blankenship
Baker	Boethel

Bradbury	Keefe
Bradford	Kern
Bridgers	Knetsch
Broadfoot	Lankford
Burton	London
Cagle	Lucas
Cauthorn	McConnell
Cleveland	McKee
Deglandon	Moffett
Derden	Nicholson
Fielden	Patterson of Mills
Fuchs	Patterson
Gibson	of Travis
Graves	Pope
Hankamer	Powell
Harper	Reed of Bowie
Harrell	Reed of Dallas
Harris of Archer	Ross
Harris of Dallas	Russell
Holland	Rutta
Huddleston	Settle
Jackson	Sharpe
Johnson of Ellis	Stinson
Johnson	Tennant
of Tarrant	Tennyson
Jones of Atascosa	Wood
Jones of Wise	Worley

## Nays—44

Alsup	Langdon
Amos	Lanning
Beckworth	Leyendecker
Boyer	Little
Cathey	Mays
Colquitt	McDonald
Davis of Haskell	McFarland
Davisson	Morris
of Eastland	Morse
Dickison	Palmer
Dollins	Reader
Felty	Rhodes
Fox	Sewell
Hamilton	Smith
Hanna	of Matagorda
Harris of Dickens	Smith of Tarrant
Hartzog	Talbert
Hull	Thornberry
James	Thornton
Jones of Angelina	Waggoner
Keith	Walker
Kelt	Weldon
King	Winfree

## Present—Not Voting

Davison of Fisher	Metcalfe
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## Absent

Brown	Farmer
Callan	Harbin
Carssow	Hardin
Celaya	Heflin
Davis of Jasper	Hoskins
Dean	Howard
England	Hyder

Kenyon  
Leath  
Leonard  
Loggins  
Mauritz  
McCracken  
McKinney  
Monkhouse  
Newton  
Petsch  
Prescott

Quinn  
Ragsdale  
Riddle  
Roark  
Shell  
Simpson  
Skaggs  
Stevenson  
Stocks  
Tarwater  
Vale

Absent—Excused

Bell  
Bond  
Herzik  
Jones of Falls  
Mann

Oliver  
Schuenemann  
Smith of Hopkins  
Westbrook

Question then recurring on the final passage of House Bill No. 58, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 85; nays, 20.

A verification of the vote was requested.

Mr. Reader moved a call of the House, pending the verification of the vote, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—83

Adkins  
Alexander  
Amos  
Baker  
Bates  
Beckworth  
Blankenship  
Boethel  
Boyer  
Bradbury  
Bradford  
Bridgers  
Broadfoot  
Cathey  
Cauthorn  
Cleveland  
Colquitt  
Davis of Haskell  
Davisson  
of Eastland  
Dickison  
Dollins  
Felty  
Fielden  
Fox  
Fuchs  
Graves  
Hamilton

Hanna  
Harper  
Harris of Dallas  
Harris of Dickens  
Hartzog  
Holland  
Huddleston  
Hull  
Jackson  
James  
Johnson of Ellis  
Johnson  
of Tarrant  
Jones of Angelina  
Jones of Wise  
Keefe  
Keith  
Kelt  
King  
Knetsch  
Langdon  
Lankford  
Lanning  
Leonard  
Leyendecker  
Little  
London  
Lucas

McConnell  
McDonald  
McFarland  
McKee  
Moffett  
Morris  
Morse  
Nicholson  
Palmer  
Quinn  
Reader  
Reed of Bowie  
Reed of Dallas  
Rhodes  
Russell

Rutta  
Settle  
Sewell  
Smith  
of Matagorda  
Smith of Tarrant  
Tennyson  
Thornberry  
Thornton  
Waggoner  
Walker  
Weldon  
Winfree  
Wood  
Worley

Nays—20

Alsup  
Burton  
Cagle  
Deglandon  
Derden  
Gibson  
Harrell  
Harris of Archer  
Jones of Atascosa  
Kern  
Mays

Patterson of Mills  
Patterson  
of Travis  
Pope  
Powell  
Ross  
Sharpe  
Simpson  
Stinson  
Tennant

Present—Not Voting

Mr. Speaker Hyder  
Davison of Fisher Metcalfe

Absent

Brown  
Callan  
Carssow  
Celaya  
Davis of Jasper  
Dean  
England  
Farmer  
Hankamer  
Harbin  
Hardin  
Heflin  
Hoskins  
Howard  
Kenyon  
Leath  
Loggins

Mauritz  
McCracken  
McKinney  
Monkhouse  
Newton  
Petsch  
Prescott  
Ragsdale  
Riddle  
Roark  
Shell  
Skaggs  
Stevenson  
Stocks  
Talbert  
Tarwater  
Vale

Absent—Excused

Bell  
Bond  
Herzik  
Jones of Falls  
Mann

Oliver  
Schuenemann  
Smith of Hopkins  
Westbrook

The Speaker announced that House Bill No. 58 was finally passed.

Mr. Morris moved to reconsider the vote by which House Bill No. 58 was

finally passed, and to table the motion to reconsider.

The motion to table prevailed.

#### REASONS FOR VOTES ON HOUSE BILL NO. 58

We neither supported nor voted for House Bill No. 58 for the following reasons:

"First, through the taking of advantage of technical rules of Parliamentary procedure, the opponents of the bill were not given an opportunity to be heard, and the only opponent recognized to speak against the bill was not permitted to complete his statements before being required to yield the floor, thus permitting the bill to be passed in direct contravention of that provision of Section 32 of Article 3 of the Constitution of Texas, which, in part, reads 'No bill shall have the force of a law until it has been read on three several days in each House, and free discussion allowed thereon; . . .', and, further, the provisions of Subsection 2 of Section 1 of the bill, in effect, repeals all of the anti-trust laws of the State; and while the bill is cited as the 'Fair Trade Act', this term is a misnomer, and the Act should be referred to as the 'Unfair Trade Act', for the reason that by requiring retail merchants to sell merchandise at a price fixed by the manufacturer of the commodity, the consuming public (which constitutes the bulk of the citizens of the State) is deprived of the right and advantage of receiving the benefit of discount in sales prices from those who are able to purchase merchandise in large quantities at a lower cost than the merchant who can purchase only small quantities of the same merchandise, and, thereby, required to purchase the merchandise for retail sale at a higher cost; and, furthermore, through this practice, the small independent merchant, for whose benefit it is alleged this law is being passed, will make only a small profit on the retail sale of his merchandise, while the big merchants, who purchase at wholesale for a lower cost, will be required to sell such merchandise at retail sale at the price fixed by the manufacturer, and, thereby, is enabled to make several times the profit on the retail sale of the same commodity as is permitted to the so-called small in-

dependent merchant; also, under the provisions of Subsection 2 of Section 1 of the bill, any merchant who sold a commodity at a price less than that stipulated by the vendor (manufacturer), regardless of whether or not he was a party to such price-fixing contract, would be subject to damages at the suit of any other merchant selling such commodity under such a contract for price-fixing; and, last, but not least, the State, through its purchasing agency, the State Board of Control, would be required to use more of the tax payers' money in purchasing supplies for use in the various State supported institutions under the provision requiring that all merchants in Texas be required to sell merchandise at the price stipulated by the vendor, such situation thereby eliminating competitive bidding and rendering it impossible for the State's purchasing agency to 'live within its budget' without possibly being required to purchase such necessary supplies from merchants residing without the limits of the State of Texas.

HANKAMER,  
TENNANT.

#### HOUSE BILL NO. 547 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 547, A bill to be entitled "An Act to declare a State Policy regarding the activities of the various agricultural agencies of the State, especially as they affect cotton, and the increased use and consumption of same; directing that the heads of the State's various agricultural agencies shall take due notice of said policy; providing for the establishment of a cotton research laboratory and making an appropriation therefor, stating a contingency upon which said appropriation is made; providing for the location of said laboratory, and declaring an emergency."

The bill was read second time.

Question—Shall House Bill No. 547 pass to engrossment?

#### ADJOURNMENT

Mr. Colquitt moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion prevailed, and the House, accordingly, at 10:30 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

## APPENDIX

### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Appropriations: House Bills Nos. 787 and 1089; Senate Bills Nos. 143, 150, 204 and 196.

Banks and Banking: Senate Bills Nos. 131, 132, 133 and 134.

Conservation and Reclamation: House Bill No. 1146.

State Affairs: Senate Concurrent Resolutions Nos. 55 and 59; House Concurrent Resolution No. 110.

The Committee on Appropriations filed adverse reports on bills, as follows:

House Bills Nos. 767 and 879.

### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,  
Austin, Texas, April 28, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 557, A bill to be entitled "An Act providing for the licensing of all persons before engaging in the business of handling perishable agricultural commodities as defined in this Act, whether as a commission merchant, dealer, broker or as agent of any commission merchant, dealer, or broker; defining certain terms as used herein; providing manner of settlement by licensees with producer, seller or owner; providing that all contracts between dealers and owners, sellers or producers, shall be in writing and providing time and manner of settlement, making it unlawful for any person to engage in business as a commission merchant, dealer, broker or as an agent of any commission merchant, dealer or broker without first complying with the terms and provisions of this Act; . . . etc., and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 287, A bill to be entitled "An Act to amend Article 4594 of Title 73 of the Revised Civil Statutes of the Acts of the Legislature of 1919 to provide in said Article for a lien in favor of owners of apartment houses, as well as proprietors of hotels or boarding houses on the baggage or other property of tenants, guests and lessees of hotels, apartment houses and boarding houses for rent due to such owners of hotels, apartment houses and boarding houses, and to further provide for a lien upon the baggage or other property of such tenants for the wanton, wilful or negligent destruction of property in or about, or connected with, the premises occupied by such tenants."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 875, a bill to be entitled "An Act providing relief for the Leesville Common School District No. 27 and the Dewitt Common School District No. 47 in Gonzales County in replacing and repairing damage to buildings and equipment caused by a calamitous flood resulting from a cloud-burst on July 1st, 1936; making an appropriation for said Districts to replace and repair such damage, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 906, A bill to be entitled "An Act providing the method whereby any interested party affected by any rule or order made or promulgated by the Highway Commission or any contract made by the Commission, shall have the right to

institute suit in Travis County, Texas, against the Commission and seek relief such as may be necessary, providing the procedure in respect thereto and granting of injunctions under certain conditions and providing for method of executing injunction bonds and the procedure in reference thereto; providing for the conditions of such bond and the right of persons to sue thereon, granting to either party the right of appeal from the judgment rendered therein, and providing for the advancement of said cause in the Appellate Courts, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1136, A bill to be entitled "An Act providing that Limestone County, Texas, may fund or refund the indebtedness outstanding against its Permanent Improvement Fund as of May 1st, 1937; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1126, A bill to be entitled "An Act repealing Chapter 16, Special Laws of the Forty-fourth Legislature, Regular Session of 1935."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1124, A bill to be entitled "An Act repealing House Bill No. 185, Acts of the Forty-third Legis-

lature, relating to the hunting, taking, or killing of squirrels in the counties of San Augustine and Sabine of Texas."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1127, A bill to be entitled "An Act providing for the designation of the territorial limits of unincorporated cities, towns and villages through which State Highways and public roads pass, and providing for the designation of school zones on State Highways, public roads and streets and alleys, and providing for the erection and maintenance of signs, markers, signals or lights designating the limits of such unincorporated cities, towns or villages; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1132, A bill to be entitled "An Act amending Senate Bill No. 527 passed at the Regular Session of the Forty-third Legislature, 1933; providing for changing and prescribing times of holding court in the 84th Judicial District of Texas; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1128, A bill to be entitled "An Act amending Article 2922 A, Revised Civil Statutes as amended by Acts, 1925, Thirty-ninth Legislature, page 204, Chapter 59, as amended by Acts, 1927, Fortieth Legislature, First Called Session, page 206, Chapter 78, by adding another section to be entitled Section 2922 AA, providing for



the consolidation of Rural High School Districts and Common School Districts upon an election being held in the respective districts; and providing for an election adjusting the bonded indebtedness, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1129, A bill to be entitled "An Act granting to Willie Wise permission to bring suit against the State of Texas and/or the Texas Relief Commission; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 976, A bill to be entitled "An Act validating all conveyances made by Goliad County Commissioners Court or under their authority of County or public school land and making such conveyances valid whether made at public auction or private sale, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1100, A bill to be entitled "An Act creating a special road law for Scurry County, Texas, providing that said County fund or refund indebtedness outstanding against its road and bridge fund as of March 31, 1937, including bonds, interest-bearing time warrants and scrip warrants by the issuance of funding or refunding bonds or warrants, either or both, setting forth the method of issuing same; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1105, A bill to be entitled "An Act amending Chapter 66, Forty-second Legislature, Regular Session, Section 1, exempting Jack County from the provisions of the Act; providing for the regulation and protection of catching and taking of fish in Jack County, prohibiting the sale or purchase of any fish caught in any waters in Jack County; providing for a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1109, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature; . . . etc., and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1119, A bill to be entitled "An Act to validate the organization and creation of all county line independent school districts heretofore formed under certain conditions by the consolidation of an existing county line independent district with a contiguous common school district; val-

idating all acts of the Board of Trustees of such existing county line independent school districts in ordering and declaring the results of an election or elections held in such county line independent school districts on the question of such consolidation; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 420, A bill to be entitled "An Act providing Workmen's Compensation for State employees; defining certain terms; placing administration of the Act in the Industrial Accident Board and prescribing the duties and defining the powers of the Board; providing for the filing of claims; providing for payment to the beneficiary in case of death; providing the rate of compensation to be paid injured employees; providing the Board may require examination of applicants for compensation; providing for time of filing notice of injury and of claim for compensation; providing for appeals from the rules of the Board to certain courts; providing that if any person other than the State is legally liable for an injury to an employee of the State, such employee may proceed against either the State or such person and in event that the employee proceeds against the State, the State shall be subrogated to the rights of such employee; providing for the appointment of an Assistant Attorney General to act as counsel to the Board, providing for his compensation; providing that heads of departments shall keep a record and make reports to the Board of injuries sustained by its employees; declaring failure to make such reports malfeasance in office; creating a special fund in the State Treasury to be known as 'The Texas Insurance Fund' making an appropriation therefrom transferring certain moneys from the State Highway Fund to the Texas Insurance Fund; directing the Legislature to make the necessary appropriations for carrying out the provisions of this Act; requiring the Board to make certain reports biennially to the Speaker of the House, the President of the Senate and the Governor; providing for certain reports to

the Board from the Heads of Departments of Government; declaring the provisions of this Act to be severable, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 63, A bill to be entitled "An Act amending Section 6, Article III, House Bill No. 8, of the Third Called Session of the Forty-fourth Legislature; defining certain words, terms and phrases; imposing a tax on the amount paid for admission to any place with the exceptions and fixing the amount of the tax; providing that persons subject to said tax shall file reports with and remit the tax to the Comptroller and describing information to be contained in said reports; authorizing the Comptroller to collect tax from persons required to make daily reports at the time such admission fees are received by said persons; requiring every operator of a place of continuous performance to keep certain records open to the inspection of the Comptroller and the Attorney General for a period of one (1) year; exempting certain institutions, societies and organizations from the tax levied herein; prescribing the manner of printing admission tickets; providing that the tax levied shall be a joint liability of the owner and operator of any place where an admission fee is charged and prescribing civil penalties for failure of such persons to pay said tax; providing that the State shall have a prior lien for delinquent taxes and penalties due by any such owner and/or operator which shall be recovered by suit filed by the Attorney General and providing said persons may be enjoined from operation until the tax has been paid making it a misdemeanor and prescribing penalties for certain violations of the Act and enumerating such violations; making it the duty of the Comptroller to supervise and enforce the collection of the tax and requiring persons subject to said tax to supply him with records and information necessary to compute such tax; vesting the Comptroller with power to

promulgate rules and regulations and appropriating funds for the enforcement of the Act; allocating the revenue derived from the Act; preserving taxes, penalties and interest accruing from any amended provisions set out in the Act before the effective date thereof; providing that if any portion of this Act is held invalid or unconstitutional such decision shall not affect the remaining portion of the Act; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 28, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 228, A bill to be entitled "An Act authorizing a county local option election to decide whether or not such county shall have compulsory vaccination of dogs against rabies; providing that if such county votes in favor of compulsory vaccination that the owners of all dogs in such county shall have the same vaccinated by a licensed veterinarian who shall issue a tag which shall be worn on the collar about the neck of such animal; providing that under certain conditions all dogs not vaccinated and running at large may be destroyed, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 291, "An Act to amend Chapter 83, Senate Bill No. 179, of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, by amending Section 4 of said Act by adding, at the end of such Section the following: 'Provided, that any person who has to his credit in any standard college, or university of Texas as much as six (6) hours of

American Government, shall be deemed to have met the requirements of this Section,' and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 634, "An Act to amend Subdivision 38, of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended by Act of the Forty-first Legislature at its Regular Session, page 125, Chapter 60, Sections 1, 2, and 3; providing for changing and prescribing terms and times for holding the Courts in the Counties composing the Thirty-eighth Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of Court in the several counties as herein fixed; validating the summoning of Grand and Petit Jurors under the present law so as to render them available under this Act; repealing all laws and parts of laws in conflict herewith; providing the time this Act shall take effect, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 772, "An Act amending Section 9 of Chapter 101 of the General and Special Laws of the First Called Session of the Forty-third Legislature, being House Bill No. 31 and as amended by Chapter 346 of the General and Special Laws of the Regular Session of the Forty-fourth Legislature, being House Bill No. 991; providing the method of disbursement of the funds of such fireman, policeman, and fire alarm operator's pension fund, the Section of said Acts so amended hereinafter set out, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 804, "An Act to make it unlawful to keep, impound, confine, or transport game fish in live boxes or ponds, or to have in live boxes or ponds where game fish are kept, or to possess a vehicle in which game fish are being transported, and to possess, keep, or place in storage more than seventy-six (76) game fish in Harrison and Marion Counties, State of Texas; defining the terms, 'Live Box', 'Pond', 'In Storage', and 'Game Fish', as used in this Act; providing for the liberation or donation to a charitable institution or charitable cause, of fish confined or impounded, or kept in storage, in violation of this Act; providing penalties for the violation of this Act; making this Act cumulative of all laws on the same subject, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 846, "An Act making it unlawful to take or kill by trap, snare, or deadfall any fur-bearing animals in Harrison County; providing certain exceptions; providing the length of this Act; prescribing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 938, "An Act amending Article 3605, to provide for the appointment of a guardian for a non compos mentis interested in an estate subject to division; providing for appointment of a guardian ad litem and/or attorney to represent non-residents and unknown parties having an interest in said property, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 971, "An Act repealing Chapter 174, Special Laws of the Forty-second Legislature, Regular Session, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1005, "An Act amending Title 25 of Article 911b, Section 6, paragraph (d), Revised Civil Statutes of Texas, of 1925, as amended, by providing that the Railroad Commission of Texas may issue special permits to transport used office furniture and equipment for hire by motor vehicles; providing if any part of the Act is declared unconstitutional it shall not affect any other part, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1139, "An Act to create Dallas County Levee Improvement District Number Fourteen, of Dallas County, Texas, embracing lands in the County of Dallas, Texas, and lying within the boundaries of Dallas County Levee District Number Two, as a conservation and reclamation district and body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries; providing for board of supervisors thereof; authorizing the Commissioners Court of Dallas County, Texas, to redefine the boundaries of Dallas County Levee District Number Two, so that the same will conform to the boundaries of the District hereby created; enacting provisions relative to bond debts outstanding against Dallas County Levee District Number Two, and providing for an adjustment of such bond debts

between said Dallas County Levee District Number Two and the said Dallas County Levee Improvement District Number Fourteen, hereby created; providing for elections in respect to the adjustment of bond debts now outstanding against said Dallas County Levee District Number Two, a portion of which District will be included in the District hereby created; authorizing said Dallas County Levee District Numbers Two and Fourteen to issue refunding bonds in lieu of said indebtedness; prescribing the powers that may be exercised by the District hereby created; providing that proof of publication of Constitutional notice, as required in the enactment of this Act, has been duly made; enacting other provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1048, "An Act granting the Commissioners Courts of Callahan, Eastland, and Taylor Counties permission to pay out of the General Fund of said Counties bounties for the destruction of rabbits, rattlesnakes, and ravens, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 23, Proposing an amendment to the Constitution of the State of Texas to be known as Article VIII, Section 20.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 111, Suspending Sec-

tion 21 of the Joint Rules until final disposition of House Bill No. 838.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 127, "An Act to authorize payments of funds arising out of liquidated and uncontested claims in favor of minors, lunatics, idiots, and non compos mentis; and to provide for the disposition of such funds so paid; and to define the duties of the person holding such funds; providing that such person shall file a sworn report with the County Clerk for approval by the County Court before such person and the sureties on his bond shall be discharged from liability; providing that this Act shall be cumulative of all other laws on the same subject, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 515, "An Act to prohibit the killing, capturing, or taking possession of any wild fox in Lamar, Fannin, Smith, and Red River Counties for a period of five (5) years from and after the passage of this Act; prescribing a penalty for violation, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 518, "An Act to amend Chapter 2, of Title 116, of the Revised Civil Statutes of Texas, 1925, by adding to said Chapter a new Article to be known as 'Article 6711-B', providing that upon application of ten (10) or more resident citizens of the County of Trinity, or one

person living within an enclosure of two thousand (2,000) acres or more in said County the Commissioners Court of said County shall open a road through said enclosure of land, or between different persons or owners of land, or along any section line, or along any survey line, or along any survey subdivision line, where said line is adjacent or contiguous to public rivers, lakes, or bays in the County of Trinity; providing for notice and hearing on said application; providing for damages to landowners where roads are opened; providing that the Commissioners Court shall not be required to keep such roads worked; providing that this Act shall only apply where there is a space of at least five (5) miles along any navigable river, lake, or bay with no present road or public thoroughfare; providing for laying out of rights of way of the width of sixty (60) feet running parallel to the out bank of any navigable stream in this aforementioned County; declaring a public necessity for certain roads provided for herein; defining navigable streams and public lakes; providing that the provisions of this Act shall be applicable to the County of Trinity, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 625, "An Act amending Article 5449, 1925, Civil Statutes, as amended by Chapter 291, of the General Laws of the Regular Session of the Forty-fourth Legislature, so as to provide that when any abstract of judgment has been recorded it shall, from the date of such record and index, whether it be the first or a subsequent abstract of said judgment, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county, said lien to continue for ten (10) years from the date of such record and index, except that if during said ten-year period the judgment becomes dormant said lien shall thereupon

cease to exist, and so as to provide that the lien of any judgment so recorded and indexed prior to the effective date of this Act, if then valid, shall continue for ten (10) years from the effective date of this Act, except that if during said ten (10) years the judgment becomes dormant said lien shall thereupon cease to exist, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1088, "An Act providing for emergency relief for Kingsland Common School District No. 29, of Llano County, Texas, to aid said District in the payment of teachers' salaries and in equipping said school building in which there has been an influx of children within scholastic age since the last scholastic enumeration in the State; making an appropriation to said District for said purposes; prescribing the manner of disbursing the funds appropriated by this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

### SIXTY-THIRD DAY

(Friday, April 30, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Bradford
Adkins	Bridgers
Alexander	Broadfoot
Alsup	Brown
Amos	Burton
Baker	Cagle
Bates	Callan
Reckworth	Carssow
Bell	Cathey
Blankenship	Cauthorn
Boethel	Celaya
Bond	Cleveland
Royer	Colquitt
Bradbury	Davis of Haskell